FEDERAL REGISTER

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Civil Service Commission
Consumer and Marketing Service
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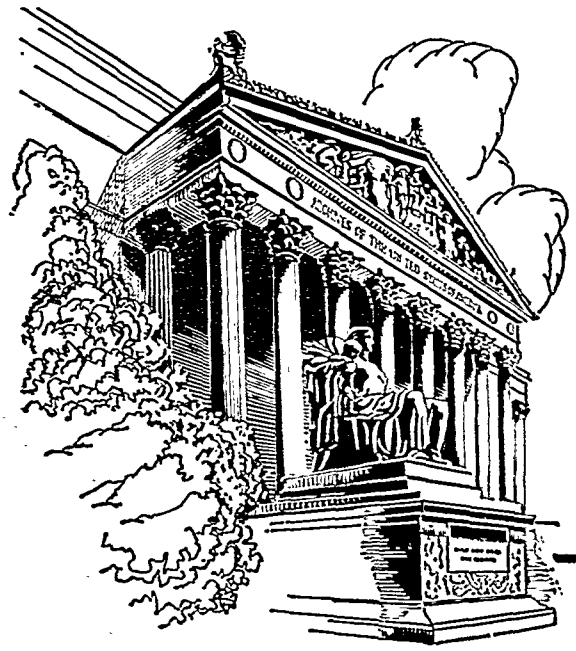

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Title 3—THE PRESIDENT

Executive Order 11569

AMENDING THE SELECTIVE SERVICE REGULATIONS

By virtue of the authority vested in me by the Military Selective Service Act of 1967 (62 Stat. 604, as amended), I hereby prescribe the following amendments of the Selective Service Regulations prescribed by Executive Order No. 10292 of September 25, 1951, as amended, and constituting portions of Chapter XVI of Title 32 of the Code of Federal Regulations:

1. Section 1611.2, *Persons Not Required to be Registered*, is amended by adding to paragraph (b) a new subparagraph (11) to read as follows:

"(11) He is a person who, immediately preceding the time of his application for admission into the United States, has been employed continuously for one year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof and who seeks to enter the United States temporarily in order to continue to render his services to the same employer or a subsidiary or affiliate thereof in a capacity that is managerial, executive, or involves specialized knowledge, or is the spouse or minor child of any such person if accompanying him or following to join him."

Section 1611.2 is further amended by deleting the word "or" after the semicolon at the end of subparagraph (9) of paragraph (b) and by substituting, in lieu of the period at the end of subparagraph (10) of paragraph (b), a semicolon followed by the word "or".

2. Section 1611.2, *Persons Not Required to be Registered*, is further amended by adding a new paragraph (h) to read as follows:

"(h) Each alien who is in the category described in subparagraph (11) of paragraph (b) of this section must have in his possession and available for examination a visa or other official document issued to him by a diplomatic, consular, or immigration officer of the United States evidencing that he has entered the United States pursuant to the provisions of section 101(a)(15)(L) of the Immigration and Nationality Act, Public Law 414, 82d Congress, as amended by Public Law 91-225, approved April 7, 1970.".

Richard Nixon

THE WHITE HOUSE,
November 24, 1970.

[F.R. Doc. 70-16032; Filed, Nov. 25, 1970; 9:47 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3373 is amended to show that one position of Planning and Review Advisor to the Chairman of the Planning and Review Committee is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (25) is added to paragraph (a) of § 213.3373 as set out below.

§ 213.3373 Office of Economic Opportunity.

(a) *Office of the Director.*

* * * * *

(25) One Planning and Review Advisor to the Chairman of the Planning and Review Committee.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 70-15935; Filed, Nov. 25, 1970; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 364—RULES GOVERNING THE APPOINTMENT, COMPENSATION, AND PROCEEDINGS OF AN ADVISORY COMMITTEE; AND RULES OF PRACTICE GOVERNING HEARINGS UNDER THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Final Order

Pursuant to the provisions of sections 4 and 6 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135b, 135d) § 364.34 of Chapter III, Title 7, Code of Federal Regulations, is amended to read as follows:

§ 364.34 Final order.

As soon as practicable after the expiration of the period for filing exceptions, and briefs, or, in case oral argument is had, as soon as practicable thereafter, but not later than 90 days after the completion of the hearing, the Secretary shall issue his final decision and order, including his rulings on any exceptions or objections filed by the parties.

The statute provides that the Secretary is to issue an order not later than 90 days after completion of the public hearing. The purpose of the above amendment of the rules is to correct a typographical error in § 364.34 by changing "not less than" to "not later than" in conformity with the statute.

(Secs. 4, 6, 61 Stat. 167, 168, as amended; 7 U.S.C. 135b, d; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of November 1970.

F. J. MULHERN,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 70-15936; Filed, Nov. 25, 1970; 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 214]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.514 Navel Orange Regulation 214.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 24, 1970.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period November 27, 1970, through December 3, 1970, are hereby fixed as follows:

(i) District 1: 696,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 104,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 25, 1970.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70-16044; Filed, Nov. 25, 1970; 11:24 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 50; Docket No. AO-355-A8]

PART 1050—MILK IN THE CENTRAL ILLINOIS MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of

the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central Illinois marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by, handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1050.87.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed with the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Central Illinois marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows;

1. Section 1050.6 is revised as follows:

§ 1050.6 Central Illinois marketing area.

The "Central Illinois marketing area" hereinafter called the "marketing area" means all the territory within the following counties all of which are in the State of Illinois together with all municipal corporations therein and all institutions owned or operated by the Federal, State, county, or municipal governments located wholly or partially within such counties:

ZONE I

Cass.	McDonough.
Ford.	Peoria.
Fulton.	Stark.
Knox.	Tazewell.
Livingston.	Warren.
Marshall.	Woodford.
Mason.	

ZONE II

Bureau.	Kankakee.
Grundy.	La Salle.
Iroquois.	Putnam.

2. In § 1050.12 paragraphs (c) and (d) are revised as follows:

§ 1050.12 Pool plant.

* * * * *

(c) Any supply plant which qualified pursuant to paragraph (b) of this section in each of the immediately preceding months of September through January shall be a pool plant for the months of February through August unless the operator of such plant notifies the market administrator in writing before the first day of any such month of his intention to withdraw such plant as a pool plant, in which case such plant shall thereafter be a nonpool plant until it again meets the shipping requirements set forth in paragraph (b) of this section; and

(d) For purposes of determining pool plant status pursuant to this section, Grade A receipts from dairy farmers shall include all quantities of milk diverted pursuant to § 1050.14 (b) and (c) by an operator of a pool plant.

3. Section 1050.14 is revised as follows:

§ 1050.14 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk of any producer, other than milk received at a pool plant by diversion from a plant at which such milk is fully subject to the pricing and pooling under the terms or provisions of this or any other order issued pursuant to the Act which is:

(a) Received during the month:

(1) At a pool plant from producers or from a cooperative association as a handler pursuant to § 1050.9(d); and

(2) By a cooperative association as a handler pursuant to § 1050.9(d) but which is not delivered to a pool plant of another handler and constitutes shrinkage pursuant to § 1050.41(b)(7) or as Class I shrinkage;

(b) Diverted by a handler from a pool plant for the account of the plant operator to another pool plant(s) for not more days of production of such producer's milk than is physically received at a pool plant(s) from which diverted. For pricing purposes such diverted milk shall be deemed to be received by the diverting handler at the location of the plant to which diverted;

(c) Diverted from a pool plant to a nonpool plant that is not an other order plant or to a nonpool plant that is an other order plant if diverted as Class II milk, subject to the conditions of this paragraph. For pricing purposes, milk so diverted shall be deemed to be received at the plant from which diverted, unless the plant to which the milk is diverted is located more than 110 miles from the city hall in Peoria, Ill. (by shortest highway distance as determined by the market administrator) in which case the milk shall be deemed to be received by the diverting handler at the location of the plant to which diverted:

(1) During May, June and July the operator of a pool plant or a cooperative association may divert the milk production of a producer on any number of days;

(2) Subject to the conditions set forth in subparagraph (4) of this paragraph, during the months of August through April the operator of a pool plant may divert the milk of a producer for not more days of production of such producer's milk than it is physically received at the pool plant from which diverted: *Provided,* That the total quantity of producer milk diverted does not exceed 35 percent of the physical receipts of producer milk at the handler's pool plant during the month, exclusive of milk of producers who are members of a cooperative association that is diverting milk;

(3) Subject to the conditions set forth in subparagraph (4) of this paragraph, during the months of August through April a cooperative association may divert the milk of its individual member producers for not more days of production of each producer's milk than is physically received at a pool plant: *Provided,* That the total quantity of producer milk diverted does not exceed 35 percent of its member milk physically received at pool plants during such month;

(4) In the case where a cooperative association has notified the market administrator and the handler in writing prior to the first day of the month that milk of specified member producers will not be diverted by the cooperative and is not to be included in computing the cooperative association's diversion percentage for the month, milk of such

producers shall be deducted from the cooperative's total receipts of member milk for the purposes specified in subparagraph (3) of this paragraph and added to the total milk receipts included in computing the diversions of the pool plant handler who receives their milk for the purposes specified in subparagraph (2) of this paragraph;

(5) When milk is diverted in excess of the limits specified in subparagraphs (2) and (3) of this paragraph, eligibility as producer milk under this section shall be forfeited on the excess quantity. In such event the diverting handler shall specify the dairy farmers whose milk is ineligible as producer milk. If a handler fails to designate such dairy farmers whose milk is ineligible, producer milk status shall be forfeited with respect to all milk diverted to nonpool plants by such handler; and

(6) Milk diverted to an other order plant under the conditions specified in this section shall be producer milk pursuant to this section only if it is not producer milk under such other order.

4. In § 1050.43, paragraph (d) is deleted, the introductory text of paragraph (e) preceding subparagraph (1) and paragraph (e) (3) (iii) are revised as follows:

§ 1050.43 Transfer and diversions.

* * * * *

(d) [Deleted]

(e) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

* * * * *

(3) * * *

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph (exclusive of transfers of fluid milk products to pool plants and other order plants) shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular sources of supply for such nonpool plant and Class I utilization (including transfers of fluid milk products to pool plants and other order plants) in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

* * * * *

5. In § 1050.44 paragraph (c) is revised as follows:

§ 1050.44 Computation of skim milk and butterfat in each class.

* * * * *

(c) There will be computed for each cooperative association reporting pursuant to § 1050.30(b) the total pounds of skim milk and butterfat, respectively, in producer milk for which it is the handler pursuant to § 1050.9 (c) and (d). The amounts so determined shall be those used for computation pursuant to § 1050.45(c).

6. In § 1050.45(a), a new subparagraph (1a) is added, and subparagraphs (4) (iv), (5) (i) and (ii) and (8) are revised as follows:

§ 1050.45 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(1a) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

* * * * *

(4) * * *

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants that were not subtracted pursuant to subparagraph (1a) of this paragraph; and

* * * * *

(5) * * *

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (1a) or (4) (iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraph (1a) or (4) (iv) of this paragraph, which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25; and

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants, that were not subtracted pursuant to subparagraph (4) (v) of this paragraph;

* * * * *

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (1a), (4) (iv) or (5) (i) and (ii) of this paragraph;

* * * * *

7. Section 1050.51(a) is revised as follows:

§ 1050.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $1.19 and plus an additional 20 cents; and

* * * * *

8. Section 1050.53(a) is revised as follows:

§ 1050.53 Location adjustments to handlers.

(a) The Class I price for producer milk and other source milk (for which a location adjustment is applicable) at a plant that is outside Zone I shall be adjusted as follows:

(1) At a plant in Zone II or in the Illinois counties of Henry and Mercer, the Class I price shall be decreased 5 cents; and

(2) At a plant located outside the State of Illinois, or in the State of Illinois but north of the northernmost boundaries of the counties of Mercer, Henry, Bureau, La Salle, Grundy, and Kankakee the Class I price shall be reduced 7.5 if such plant is 50 or more miles by the shortest highway distance, as determined by the market administrator from the City Hall in Peoria, Ill., plus an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 60 miles; and

* * * * *

9. In § 1050.61, paragraph (e) (2) is revised as follows:

§ 1050.61 Plants subject to other Federal orders.

* * * * *

(e) * * *

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant (not to be less than the Class II price) and subtract its value at the Class II price.

10. In § 1050.62 paragraphs (a) (1) (i), (b) (2) and (5) are revised as follows:

§ 1050.62 Obligation of handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1) (i) The obligation that would have been computed pursuant to § 1050.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. No obligation shall apply to Class I milk transferred to a pool plant or to an other order plant if such Class I utilization is assigned to receipts at the partially regulated distributing plant from pool plants and other order plants

where such milk was classified and priced as Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1050.70(f) and a credit in the amount specified in § 1050.84(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

* * * * *

(b) * * *

(2) Deduct the respective amounts of skim milk and butterfat received at the plant:

(i) As Class I milk from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act; and

(ii) From a nonpool plant that is not an other order plant (or producer-handler plant) to the extent that an equivalent amount of skim milk or butterfat disposed of to such nonpool plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

* * * * *

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant (not to be less than the Class II price), subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant (not to be less than the Class II price), less the value of such skim milk at the Class II price.

11. In § 1050.70 paragraphs (e) and (f) are revised as follows:

§ 1050.70 Computation of the net pool obligation of each pool handler.

* * * * *

(e) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1050.45(a)(4) and the corresponding step of § 1050.45(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1050.45(a)(4) (iv) and (v) and the corresponding steps of § 1050.45(b) the Class I price shall be adjusted to the location of the transferor plant (but not to be less than the Class II price); and

(f) Add an amount equal to the value at the Class I price, adjusted for location at the nearest nonpool plant(s) from which an equivalent volume was received, but not to be less than the Class II price, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1050.45(a)(8) and the corresponding step of § 1050.45(b) (excluding skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order).

12. In § 1050.71, paragraphs (a), (h), and (i) are revised as follows:

§ 1050.71 Computation of the uniform price.

* * * * *

(a) Combine into one total the values computed pursuant to § 1050.70 for all handlers who filed the reports prescribed by § 1050.30 for the month and who made the payments pursuant to § 1050.84 for the preceding month;

* * * * *

(h) Subtract in the case of milk delivered during each of the months of March and July an amount equal to 15 cents per hundredweight and during each of the months of April, May, and June an amount equal to 25 cents per hundredweight of producer milk specified in paragraph (e)(1) of this section;

(i) Add in the case of milk delivered during each of the months of September and December 20 percent and during each of the months of October and November 30 percent of the total amount subtracted pursuant to paragraph (h) of this section;

* * * * *

13. Section 1050.82 is revised as follows:

§ 1050.82 Location differentials to producers and on nonpool milk.

(a) In making payments pursuant to § 1050.80 the uniform price per hundredweight for producer milk received at a plant outside Zone I shall be adjusted according to the location of the plant at the rates set forth in § 1050.53.

(b) For purposes of computation pursuant to §§ 1050.84 and 1050.85 the weighted average price shall be adjusted in the same manner as the uniform price is adjusted pursuant to paragraph (a) of this section for the location of the nonpool plant from which the milk was received.

14. Section 1050.87 is revised as follows:

§ 1050.87 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler (excluding a cooperative association in its capacity as a handler pursuant to § 1050.9(d) with respect to milk delivered to pool plants) shall pay to the market administrator on or before the 20th day after the end of the month 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to:

(a) Producer milk (including such handler's own production).

(b) Other source milk allocated to Class I pursuant to § 1050.45(a)(4) and (8) and the corresponding steps of § 1050.45(b), except other source milk on which no handler obligation applies pursuant to § 1050.70(f); and

(c) Class I milk disposed of on routes in the marketing area from partially regulated distributing plants that exceed Class I milk specified in § 1050.62(b)(2)

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: January 1, 1971.

Signed at Washington, D.C., on November 20, 1970.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 70-15911; Filed, Nov. 25, 1970, 8:48 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

Radiation Exposure Records

On September 25, 1970, the Atomic Energy Commission published in the FEDERAL REGISTER (35 F.R. 14944) a proposed amendment to its regulation 10 CFR Part 20, to provide that records of individual exposure to radiation and radioactive material which must be maintained pursuant to § 20.401(a) and records of bioassays made pursuant to § 20.108, shall be preserved indefinitely or until the Commission authorizes their disposal.

Interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendment within 30 days after publication of the notice of proposed rule making in the FEDERAL REGISTER.

After consideration of the comments, the Commission has adopted the proposed amendment. The text of the amendment set out below is identical with the text of the proposed amendment of § 20.401 published on September 25, 1970.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 552 and 553 of title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 20, is published as a document subject to codification, to be effective thirty (30) days after publication in the FEDERAL REGISTER.

The note which follows paragraph (c) of § 20.401 of 10 CFR Part 20 is deleted, and paragraph (c) of § 20.401 is revised to read as follows:

§ 20.401 Records of surveys, radiation monitoring and disposal.

* * * * *

(c) Records of individual exposure to radiation and to radioactive material which must be maintained pursuant to the provisions of paragraph (a) of this section and records of bio-assays, including results of whole body counting examinations, made pursuant to § 20.108 shall

be preserved indefinitely or until the Commission authorizes their disposal. Records which must be maintained pursuant to this part may be maintained in the form of microfilms.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 18th day of November 1970.

For the Atomic Energy Commission.

W. B. McCool,
Secretary of the Commission.

[F.R. Doc. 70-15931; Filed, Nov. 25, 1970; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-654; Amdt. 32]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Deletion of Delegations of Authority

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of November 1970.

For the reasons set forth in OR-51, November 20, 1970, adopted contemporaneously herewith, the Board is amending Part 385 of the Organization Regulations to delegate authority to Heads of Bureaus and Offices to grant requests for extensions of time to file reports or documents required by regulation or Board order, which reports or documents their respective Bureau or Office has the responsibility for processing.

Since the delegations of authority to the Director and a Division Chief of the Bureau of Accounts and Statistics in section 02 of Part 241 are embodied word-for-word in § 385.17 of Part 385 of the Organization Regulations, the Board is hereby amending Part 241 to delete the duplicate delegation of authority contained therein.

Since this amendment is a rule of agency procedure, it may be adopted without public notice or procedure, and may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 241 of the economic regulations as follows:

1. Amend the table of contents for Part 241 by deleting and reserving the title of section 02 as follows:

Sec.
02 [Reserved]

2. Amend Part 241 by deleting and reserving section 02 as follows:

Section 02—[Reserved]

(Secs. 204(a), 407, 1001, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766, 788; 49 U.S.C. 1324, 1377, 1481)

By the Civil Aeronautics Board.

[SEAL] Harry J. Zink,
Secretary.

[F.R. Doc. 70-15880; Filed, Nov. 25, 1970; 8:45 a.m.]

[Reg. ER-655; Amdt. 3]

PART 242—REPORTING RESULTS OF SCHEDULED ALL-CARGO SERVICES

Extension of Part

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of November 1970.

By circulation of EDR-186 (Docket 22516) dated August 28, 1970, and publication at 35 F.R. 13999, the Board gave notice that it proposed to amend Part 242 of the economic regulations (14 CFR Part 242) to extend Part 242 through December 31, 1972.

The only comment received was submitted by The Flying Tiger Line, Inc. (FTL), which proposed that the Board "sharply" limit the extension of Part 242 and institute a broader, better defined system of reporting cargo statistics. Upon consideration of FTL's comment, the Board has determined to adopt the rule as proposed. Therefore, the tentative findings made in EDR-186 are incorporated herein and made final.

FTL asserts that reporting activities for freight have been affected by the subordinate role that freight has heretofore played in the air transport industry. However, according to the carrier, freight will assume a larger proportion of total traffic and will eventually surpass passenger traffic. Because of this factor and the complexity of freight rates, FTL argues that there is a current need for adequate reporting of cargo traffic and costs. FTL believes that the proposed extension of Part 242 will indefinitely defer the necessary improvements in reporting cargo statistics and, accordingly, the carrier recommends that a "short" extension of Part 242 be granted, coupled with an immediate undertaking to upgrade and expand the statistical reporting for freight.

In EDR-186, we recognize that Part 242 is merely a temporary expedient pending the development of more reliable costing rules. As we pointed out in the notice, while a recent amendment to Part 241[1] will provide us with traffic and capacity data necessary to develop procedures for allocating costs between passengers and cargo, more definitive requirements must await the development of improvements in financial information for costing purposes. Thus while we agree with FTL that there is a need for more detailed and refined cargo reporting, this task is a complex one which will necessarily take a considerable amount of time to complete. In the meantime, the Board still believes that the continued use of the Form 242 all-cargo reports is necessary. Nothing in FTL's comment convinces us otherwise,[2] and no other carrier has opposed the proposed extension. It should be pointed out that under the terms of the rule we are adopting, Part 242 may be rescinded prior to December 31, 1972, if a better alternative is developed before that date.

Therefore, in consideration of the foregoing, the Board hereby amends Part 242 of its Economic Regulations (14 CFR Part 242), effective January 1, 1971, as set forth below:

Amend § 242.1(b) to read as follows:

§ 242.1 Applicability.

* * * * *

(b) This part shall expire December 31, 1972, unless earlier rescinded by the Board.

(Secs. 204(a), 407, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377)

By the Civil Aeronautics Board.

[SEAL] Harry J. Zink,
Secretary.

[F.R. Doc. 70-15941; Filed, Nov. 25, 1970; 8:50 a.m.]

[1] ER-586 and 597, effective July 1, 1970.

[2] Indeed, FTL supports an extension of Part 242 despite its infirmities.

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-51; Amdt. 18]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Revisions of Delegations of Authority

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of November 1970.

Requests for extension of time to file reports or documents required by regulation or Board order are frequently received by Bureaus and Offices responsible for the processing of such reports or documents. Since these requests can be granted informally, and, in the majority of cases, on a routine basis, and since the reporting requirements are subject to frequent change, the Board is delegating authority to Heads of Bureaus and Offices to grant these requests for reports processed by their respective Bureaus or Offices. In view of the foregoing, the delegation of authority in § 385.18(b) of the Organization Regulations to a Division Chief of the Bureau of Accounts and Statistics to grant requests for extensions of time to file reports under the Board's Accounting Regulations, is redundant and is hereby deleted.[1]

Pursuant to a recent reorganization within the Bureau of Accounts and Statistics, the Regulations and Reports Division was abolished and its functions reassigned to two newly created divisions

[1] In addition, the Board is concurrently amending Part 241 to delete the delegations of authority to the Director and a Division Chief of the Bureau of Accounts and Statistics contained therein, which delegations are duplicative in light of the delegations in Part 385.

within the Bureau. The function of administering the record preservation and retention regulations in Part 249 of the economic regulations, formerly performed by the Regulations and Reports Division, was transferred to the Accounting, Costs, and Statistics Division. Accordingly, the Board is hereby amending its delegations of authority to conform with the new organizational structure.

Since the amendments contained herein are rules of agency organization and procedure, notice and public procedure hereon are not required, and the amendments may become effective immediately.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 385 of the organization regulations (14 CFR Part 385) effective November 20, 1970, as follows:

1. Amend the table of contents for Subpart B of Part 385 by modifying the title of § 385.18 to read as follows:

Sec.
385.18 Delegation to the Chief, Accounting, Costs, and Statistics Division, Bureau of Accounts and Statistics.

2. Amend § 385.18 by (1) revising the title, introductory paragraph and paragraph (a) of the section and (2) deleting and reserving paragraph (b). As amended, § 385.18 will read as follows:

§ 385.18 Delegation to the Chief, Accounting, Costs, and Statistics Division, Bureau of Accounts and Statistics.

The Board hereby delegates to the Chief, Accounting, Costs and Statistics Division, Bureau of Accounts and Statistics, the authority to:

(a) Extend, with the concurrence of the Director, Bureau of Enforcement, the time period for the preservation of records relating to errors, oversales, irregularities, and delays in handling of passengers. (§ 249.13(f) of this chapter. Category No. 303(a) of the Schedule of Records to Part 249 of the Economic Regulations.)

(b) [Reserved]

3. Amend § 385.23 to read as follows:

§ 385.23 Delegation to Heads of Bureaus and Offices.

The Board hereby delegates to the heads of Bureaus and Offices the authority to:

(a) Grant requests for permission to withdraw petitions, applications, motions, complaints, or other pleadings or documents which the respective Bureau or Office has responsibility for processing (as set out in sections 110 through 195 of the CAB Manual), where such authority has not otherwise been delegated in this regulation.

(b) Grant extensions of time for filing of documents or reports which are required to be filed by regulation or Board order and which reports or documents the respective Bureau or Office has the responsibility for processing.

(Secs. 202, 204, 407, 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 742 (as amended by 75 Stat. 785), 743, 766, 788; 49 U.S.C. 1322, 1324, 1377, 1481. Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 F.R. 5989)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[F.R. Doc. 70-15881; Filed, Nov. 25, 1970; 8:45 a.m.]

Chapter V—National Aeronautics and Space Administration

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

Subpart 2—Employees' Personal Property Claims

Subpart 2 is revised in its entirety as follows:

Subpart 2—Employees' Personal Property Claims

Sec.
1204.200 Scope of subpart.
1204.201 Claimants.
1204.202 Maximum amount.
1204.203 Time limitations.
1204.204 Allowable claims.
1204.205 Unallowable claims.
1204.206 Submission of claims.
1204.207 Evidence in support of claim.
1204.208 Recovery from carriers, insurers, and other third parties.
1204.209 Computation of allowance.
1204.210 Settlement of claims.

AUTHORITY: The provisions of this Subpart 2 issued under 31 U.S.C. 240–242.

§ 1204.200 Scope of subpart.

This subpart prescribes regulations governing the settlement of claims against the National Aeronautics and Space Administration (NASA) for damage to, or loss of, personal property incident to service with NASA.

§ 1204.201 Claimants.

(a) A claim for damage to, or loss of, personal property incident to service with NASA may be made only by:

(1) An officer or employee of the National Aeronautics and Space Administration;

(2) A member of the uniformed services (Army, Navy, Air Force, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service) assigned to duty with or otherwise under the jurisdiction of NASA;

(3) The authorized agent or legal representative of a person named in subparagraph (1) or (2) of this paragraph (a); or

(4) The survivors of a person named in subparagraph (1) or (2) of this paragraph (a) in the following order of precedence: Spouse; children, father or mother, or both; or brothers or sisters, or both. Claims by survivors may be allowed whether arising before, concurrently with, or after the decedent's death, if otherwise covered by this Subpart 2.

(b) Employees of contractors with the United States and employees of nonappropriated fund activities are not included within the meaning of paragraph (a) (1) or (2) of this section.

(c) Claims may not be made by or for the benefit of a subrogee, assignee, conditional vendor, or other third party.

§ 1204.202 Maximum amount.

The maximum amount that may b paid on any claim under the 31 U.S.C 240–242 is $6,500.

§ 1204.203 Time limitations.

(a) A claim may be allowed only if i accrued after August 31, 1964, and onl if it is presented in writing within years after it accrues. For the purposes o this subpart, a claim accrues at the tim of the accident or incident causing th loss or damage, or at such time as th loss or damage is or should have bee discovered by the claimant through th exercise of due diligence.

(b) If a claim accrues in time of wa or in time of armed conflict in which an armed force of the United States is en gaged, or if such a war or armed conflic intervenes within 2 years after it accrues and if good cause is shown, the claim ma be presented not later than 2 years afte that cause ceases to exist, or 2 years afte the war or armed conflict is terminated whichever is earlier. The dates of beginning and ending of such an armed conflict are the dates established by concurrent resolution of the Congress or by a determination of the President.

§ 1204.204 Allowable claims.

(a) A claim may be allowed only if:

(1) The damage or loss was not caused wholly or partly by the negligent o wrongful act of the claimant, his agent the members of his family, or his privat employee (the standard to be applie is that of reasonable care under th circumstances);

(2) The possession of the property lost or damaged and the quantity possessed is determined to have been reasonable useful, or proper under the circumstances; and

(3) The claim is substantiated by proper and convincing evidence.

(b) Claims which are otherwise allowable under this subpart shall not be disallowed solely because the property was not in the possession of the claimant at the time of the damage or loss, or solely because the claimant was not the legal owner of the property for which the claim is made. For example, borrowed property may be the subject of a claim.

(c) Subject to the conditions in paragraph (a) of this section and the other provisions of this subpart, any claim for damage to, or loss of, personal property incident to service with NASA may be considered and allowed. The following are examples of the principal types of claims which may be allowed, but these examples are not exclusive and other types of claims may be allowed, unless excluded by § 1204.205.

(1) *Property loss or damage in quarters or other authorized places.* Claims may be allowed for damage to, or loss of, property arising from fire, flood, hurricane, other natural disaster, theft, or other unusual occurrence, while such property is located at:

(i) Quarters within the 50 States or the District of Columbia that were assigned to the claimant or otherwise provided in kind by the United States;

(ii) Quarters outside the 50 States and the District of Columbia that were occupied by the claimant, whether or not they were assigned or otherwise provided in kind by the United States, except when the claimant is a civilian employee who is a local inhabitant; or

(iii) Any warehouse, office working area, hospital, or other place authorized or apparently authorized for the reception or storage of property.

(2) *Transportation or travel losses.* Claims may be allowed for damage to, or loss of, property incident to transportation or storage pursuant to orders, or in connection with travel under orders, including property in the custody of a carrier, an agent or agency of the Government, or the claimant.

(3) *House trailers.* Claims may be allowed for damage to, or loss of, house trailers and their contents under the provisions of subparagraph (2) of this paragraph (c). Claims for structural damage to house trailers, other than that caused by collision, and damage to contents of house trailers resulting from such structural damage, must contain conclusive evidence that the damage was not caused by structural deficiency of the trailer and that the trailer was not overloaded. Claims for damage to, or loss of, tires mounted on trailers will not be allowed, except in cases of collision, theft, or vandalism.

(4) *Negligence of the Government.* Claims may be allowed for damage to, or loss of, property caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment.

(5) *Enemy action or public service.* Claims may be allowed for damage to, or loss of, property as a direct consequence of:

(i) Enemy action or threat thereof, or combat, guerrilla, brigandage, or other belligerent activity, or unjust confiscation by a foreign power or its nationals;

(ii) Action by the claimant to quiet a civil disturbance or to alleviate a public disaster; or

(iii) Efforts by the claimant to save human life or Government property.

(6) *Property used for benefit of the Government.* Claims may be allowed for damage to, or loss of, property when used for the benefit of the Government at the request of, or with the knowledge and consent of, superior authority.

(7) *Clothing and accessories.* Claims may be allowed for damage to, or loss of, clothing or accessories customarily worn on the person, such as eyeglasses, hearing aids or dentures.

§ 1204.205 Unallowable claims.

Claims are not allowable for the following:

(a) *Unassigned quarters in United States.* Claims may not be allowed for property loss or damage in quarters occupied by the claimant within the 50 States or the District of Columbia that were not assigned to him or otherwise provided in kind by the United States.

(b) *Money or currency.* Claims may not be allowed for loss of money or currency, except when lost incident to fire, flood, hurricane, other natural disaster, or by theft from quarters (as limited by paragraph (a) of this section). In instances of theft from quarters, it must be conclusively shown that the quarters were locked at the time of the theft. Reimbursement for loss of money or currency is limited to an amount which is determined to have been reasonable for the claimant to have had in his possession at the time of the loss.

(c) *Government property.* Claims may not be allowed for property owned by the United States, except that for which the claimant is financially responsible to any agency of the Government other than NASA.

(d) *Business property.* Claims may not be allowed for property used in a private business enterprise.

(e) *Articles of extraordinary value.* Claims may not be allowed for valuable articles, such as cameras, watches, jewelry, furs; or other articles of extraordinary value, when shipped with household goods or as unaccompanied baggage (shipment includes storage). This prohibition does not apply to articles in the personal custody of the claimant or articles properly checked: *Provided,* That reasonable protection or security measures have been taken by claimant.

(f) *Unserviceable property.* Claims may not be allowed for worn-out unserviceable property.

(g) *Illegal possession.* Claims may not be allowed for property acquired, possessed, or transported in violation of law or in violation of applicable regulations or directives.

(h) *Estimate fees.* Claims may not include fees paid to obtain estimates or repair, except when it is clear that an estimate could not have been obtained without paying a fee. In that case, the fee may be allowed only in an amount determined to be reasonable in relation to the value of the property or the cost of the repairs.

(i) *Automobiles and other motor vehicles.* Claims may not be allowed for damage to, or loss of, automobiles and other motor vehicles unless:

(1) Such motor vehicles were required to be used for official Government business (official Government business, as used here, does not include travel between quarters and place of duty, parking of vehicles incident to such travel, or use of vehicles for the convenience of the owner); or

(2) Shipment of such motor vehicles to, from, or between overseas areas was being furnished or provided by the Government; or

(3) Such damage or loss was caused by the negligent or wrongful act or omission of any employee of the Government acting within the scope of his office or employment.

§ 1204.206 Submission of claims.

All claims shall be submitted, in duplicate to the Administrator or his designee on NASA Form 1204, "Employee's Claim for Damage to, or Loss of, Personal Property Incident to Service."

§ 1204.207 Evidence in support of claim.

(a) *General.* In addition to the information required on NASA Form 1204, and any other evidence required by the Administrator or his designee, the claimant will furnish the following evidence when relevant:

(1) A corroborating statement from the claimant's supervisor or other person or persons having personal knowledge of the facts concerning the claim.

(2) A statement of any property recovered or replaced in kind.

(3) An itemized bill of repair for property which has been repaired, or one or more written estimates of the cost of repairs from competent persons if the property is repairable but has not been repaired.

(b) *Specific classes of claims.* Claims of the following types shall also be accompanied with the specific and detailed evidence as indicated:

(1) *Theft, burglary, etc.* A statement describing in detail the location where the loss occurred and the facts and circumstances surrounding the loss, including evidence of larceny, burglary or housebreaking, such as breaking and entering, capture of the thief, recovery of part of the stolen goods, police report, etc. In addition the statement must contain evidence that the claimant exercised due care in protecting his property prior to the loss. Attention will be given to the degree of care normally exercised in the locale of the loss due to any unusual risks involved.

(2) *Transportation losses.* A copy of orders authorizing the travel, transportation or shipment, or a certificate explaining the absence of such orders, and stating their substance; all bills of lading and inventories of property shipped; and a statement indicating the condition of the property when turned over to the carrier and when received from the carrier.

§ 1204.208 Recovery from carriers, insurers, and other third parties.

(a) *General.* NASA is not an insurer and does not underwrite all personal property losses that an employee may sustain. Employees are encouraged to carry private insurance to the maximum extent practicable to avoid large losses or losses which may not be recoverable from NASA. The procedures set forth in this § 1204.208 are designed to enable the claimant to obtain the maximum amount of compensation for his loss or damage. Failure of the claimant to comply with these procedures may reduce or preclude payment of his claim under this instruction.

(b) *Demand on carrier, contractor, warehouseman, or insurer.* When it appears that property has been damaged or lost under circumstances in which a carrier, warehouseman, contractor, or insurer may be responsible, the claimant shall make a written demand on such party, either before or after submitting a claim against NASA.

The Administrator or his designee, if requested, will assist in making demand on the third party. No such demand need be made if, in the opinion of the Administrator or his designee, it would be impracticable or any recovery would be insignificant, or if circumstances preclude the claimant from making timely demand.

(c) *Action subsequent to demand.* A copy of the demand and of any related correspondence shall be submitted to the Administrator or his designee. If the carrier, insurer, or other third party offers a settlement which is less than the amount of the demand, the claimant shall consult with the Administrator or his designee before accepting the amount so offered. The claimant shall also notify the Administrator or his designee promptly of any other action by such third party, including settlement, partial settlement, or denial of liability.

(d) *Application of recovery.* When the amount recovered from a carrier, insurer, or other third party is greater than or equal to the claimant's total loss as detemined under this subpart, no compensation is allowable under this subpart. When the amount recovered is less than such total loss, the allowable amount is determined by deducting the recovery from the amount of such total loss. For the purpose of this paragraph (d), the claimant's total loss is to be determined without regard to the $6.500 maximum set forth in § 1204.-202. However, if the resulting amount, after making this deduction, exceeds $6,500, the claimant will be allowed only $6,500.

(e) *Transfer of rights.* The claimant shall assign to the United States, to the extent of any payment on his claim accepted by him, all his right, title, and interest in any claim he may have against any carrier, insurer, or other party arising out of the accident or incident on which his claim against the United States is based. He shall also, upon request, furnish such evidence and other cooperation as may be required to enable the United States to enforce the claim. After payment on his claim by the United States, the claimant shall, upon receipt of any payment from a carrier, insurer, or other party, notify counsel and pay the proceeds to the United States to the extent required under the provisions of paragraph (d) of this section.

§ 1204.209 Computation of allowance.

(a) The amount allowed for damage to or loss of any item of property may not exceed the cost of the item (either the price paid in cash or property, or the value at the time of acquisition if not acquired by purchase or exchange); and there will be no allowance for replacement cost or for appreciation in the value of the property. Subject to these limitations, the amount allowable is either:

(1) The depreciated value, immediately prior to the loss or damage, of property lost or damaged beyond economical repair, less any salvage value; or

(2) The reasonable cost of repairs, when property is economically repairable: *Provided,* That the cost of repairs does not exceed the amount allowable under subparagraph (1) of this paragraph (a).

(b) Depreciation in value is determined by considering the type of article involved, its cost, its condition when damaged or lost, and the time elapsed between the date of acquisition and the date of damage or loss.

(c) To the extent that he deems it appropriate, the Administrator or his designee is authorized to issue guides for determining the allowable compensation for specific articles, the rates of depreciation to be applied to certain articles, and the maximum amounts allowable for compensation for specific articles, the rates of depreciation to be applied to certain articles, and the maximum amounts allowable for certain types and quantities of property.

(d) Replacement of lost or damaged property may be made in kind whenever appropriate.

§ 1204.210 Settlement of claims.

(a) *Settlement officials.* (1) The Administrator or his designee.

(2) Claims arising at field installations for more than $1,000 shall be investigated by the Chief Counsel and forwarded, with his report and recommendation thereon, to the Administrator or his designee for settlement.

(b) *Action by settlement official.* (1) For each claim the Administrator or his designee shall complete a report in duplicate on NASA Form 1204, and retain a claim file consisting of the original claim, his report, and any other relevant evidence or documents.

(2) When a claim is allowed in an amount acceptable to the claimant, the Administrator or his designee shall prepare a "Voucher for Payment of Employees' Personal Property Claims" (NASA Form 1220), have it properly executed by the claimant, and forward it to the appropriate NASA fiscal or financial management office for payment, with a copy of the approved claim (NASA Form 1204).

(3) When a claim is disallowed, or is partially allowed in an amount unacceptable to the claimant, the Administrator or his designee shall notify the claimant in writing of the action taken and the reasons therefor. If the claimant is not satisfied with the action taken, he may, within 60 days after receipt of such notice, request reconsideration of his claim and he may submit any new or additional evidence that he feels to be pertinent to his claim. If such a claim has been disallowed at the field installation level, the claimant may request such reconsideration at either the field installation level or by the Administrator or his designee, or both.

(d) *Final and conclusive.* The settlement of a claim under this subpart, whether by full or partial allowance or disallowance, is final and conclusive.

Effective date. The provisions of this Subpart 2 are effective upon publication in the FEDERAL REGISTER.

GEORGE M. LOW,
Acting Administrator.

[F.R. Doc. 70-15925; Filed, Nov. 25, 1970; 8:49 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER G—INTERNATIONAL EDUCATIONAL AND CULTURAL EXCHANGE

[Departmental Reg. 108.628]

PART 61—PAYMENTS TO AND ON BEHALF OF PARTICIPANTS IN THE INTERNATIONAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

Grants to Foreign Participants To Study

Section 61.5, paragraphs (c) and (d) are amended to read as follows:

§ 61.5 Grants to foreign participants to study.

* * * * *

(c) *Per diem allowance.* Per diem allowance not to exceed $16 in lieu of subsistence expenses while traveling (1) from point of entry in the United States, its territories or possessions, to orientation centers and while in attendance at such centers, for purposes of orientation, not to exceed 30 days, (2) to educational institutions of affiliation, and (3) to point of departure; and while participating in authorized field trips or conferences.

(d) *Allowances.* (1) A maintenance allowance of not to exceed $300 per month while present and in attendance at an educational institution, facility or organization;

(2) A travel allowance of not to exceed $35 in lieu of per diem while traveling to and from the United States.

* * * * *

(Sec. 4, 63 Stat. 111, as amended, 75 Stat. 527-538; 22 U.S.C. 2658, 2451 note)

For the Secretary of State.

WILLIAM B. MACOMBER, JR.,
Deputy Under Secretary for Administration.

NOVEMBER 13, 1970.

[F.R. Doc. 70-15918; Filed, Nov. 25, 1970; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

PART 1611—DUTY AND RESPONSIBILITY TO REGISTER

Persons Not Required To Be Registered

CROSS REFERENCE: For a document amending the Selective Service Regulations concerning persons not required to be registered, see Title 3, Executive Order 11569, F.R. Doc. 70-16032, *supra.*

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 3—Department of Health, Education, and Welfare

PART 3–3—PROCUREMENT BY NEGOTIATION

PART 3–7—CONTRACT CLAUSES

Miscellaneous Amendments

Chapter 3 is amended as follows:

1. The table of contents for Part 3–3 is amended to revise the entries for Subpart 3–3.6:

Subpart 3–3.6—Small Purchases

Sec.
3–3.602 Policy.
3–3.603 Competition.
3–3.603–1 Solicitation.
3–3.605 Purchase order forms.
3–3.605–2 Standard Forms 147 and 148, Order for Supplies or Services.
3–3.606 Blanket purchase arrangements.
3–3.606–4 Documentation.
3–3.606–5 Agency implementation.

AUTHORITY: The provisions of this Subpart 3–3.6 issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

2. Subpart 3–3.6 is revised to read as follows:

Subpart 3–3.6—Small Purchases

§ 3–3.602 Policy.

(a) Before purchasing in the open market, the procurement officer shall determine that the supplies or services are not available from a mandatory source.

§ 3–3.603 Competition.

§ 3–3.603–1 Solicitation.

(a) Small purchases not exceeding $250 may be accomplished without securing competitive quotations where the prices are considered reasonable, but such purchases shall be distributed equitably among qualified suppliers. Records of purchases of $250 or less need not include justification for soliciting only a single source or a justification explaining how prices were determined to be reasonable. Operating agencies may reduce this limitation in accordance with agency requirements.

(b) For purchases between $250 and $2,500, solicitation generally may be limited to three suppliers.

§ 3–3.605 Purchase order forms.

§ 3–3.605–2 Standard Forms 147 and 148, Order for Supplies or Services.

(a) *General.* SF–147 and SF–148 are mandatory for use in the Department as the standard purchase order forms for small purchases not in excess of $2,500.

(b) *Terms and conditions.* Additional terms and conditions may be added to SF–147 provided they are not in conflict with those printed on the form and are properly designated as operating agency terms and conditions. No additional terms and conditions in conflict or inconsistent with those printed on the SF–147 may be added without Departmental approval.

§ 3–3.606 Blanket purchase arrangements.

§ 3–3.606–4 Documentation.

(a) Each blanket purchase arrangement (BPA) shall be documented by issuance of a purchase order appropriately numbered. Each BPA shall contain the following provisions:

(1) Authorization to the supplier to furnish the supplies or services described in general terms, when ordered by authorized personnel listed therein.

(2) A statement that individual orders will not exceed $2,500 per order.

(3) A statement that the Government will be obligated only to the extent of the orders placed against the BPA by authorized personnel.

(4) A stipulation that the supplier's established discounts will apply to orders placed against the BPA.

(5) A requirement that all shipments be accompanied by delivery tickets containing the name of the supplier, BPA number, date of order, name of individual placing the order, an itemized list of supplies or services furnished including unit price and extension on each item, applicable discount, date of delivery and the signature of the Government employee receiving the item or service.

(6) A requirement that the supplier shall submit an itemized invoice at least once each month or upon expiration of the BPA, whichever occurs first, covering all deliveries made during the billing period for which payment has not been received.

(7) Each BPA shall cite 41 U.S.C. 242(c)(3) as authority for negotiation.

§ 3–3.606–5 Agency implementation.

(a) The procurement office shall review the blanket purchase arrangement files at least semiannually to assure that authorized procedures are being followed. In addition, the procurement office shall review and update as required each blanket purchase arrangement at least annually.

(b) Delivery tickets signed by the Government employee receiving the item or service will be forwarded to the fiscal office or other paying office as designated by the operating agency. Payment will be made on the basis of the delivery tickets and properly itemized invoice. Procurement activities will ensure that established procedures allowing for availability of funds are in effect prior to placement of orders.

(c) (1) Competition under BPAs will be obtained in accordance with HEWPR 3–3.603–1 (a) and (b): When concurrent agreements are in effect for similar items, orders not in excess of $250 shall be equitably distributed. Where there is an insufficient number of BPAs for any given class of supplies or services to assure adequate competition on orders in excess of $250, the individual placing the order shall solicit quotations from other sources.

(2) Individual orders shall be recorded in simple form as determined by the operating agency. Orders will be numbered in sequence in a separate series for each BPA and will consist of the BPA number followed by the serial number of the order.

3. The table of contents for Subpart 3–7.50 is amended to add the following new entry:

Sec.
3–7.5007 Method of payment—letter of credit.

4. The following text material is added to Subpart 3–7.50:

§ 3–7.5007 Method of payment—letter of credit.

When authorized by an individual or blanket determination, findings, and authorization for advance payments, under a letter of credit, insert the following clause.

(NOTE: See Procurement Manual Circular HEW 70.5 for current listing of organizations under blanket determinations and findings.)

METHOD OF PAYMENT—LETTER OF CREDIT

(a) This contract shall be funded under the Federal Reserve Letter of Credit No. ------, established by ----------, Department of Health, Education, and Welfare, against which the Contractor will withdraw funds pursuant to prescribed Federal Reserve Letter of Credit procedures, as contained in Treasury Department Circular 1075 (31 CFR Part 205).

(b) The funds drawn by the Contractor against the Federal Reserve Letter of Credit referred to above shall be only for current allowable expenditures necessary for the performance of this contract.

(c) In no event shall the accumulated total of funds withdrawn for the account of this contract against such Letter of Credit exceed the total contract price.

(d) When so requested in writing by the Contracting Officer, the Contractor shall repay to the Government such part of the unliquidated balance of the advance payments as shall, in the opinion of the Contracting Officer, be in excess of the Contractor's current needs or in excess of the contract price.

(e) If upon completion or termination of this contract, all amounts obtained by the Contractor under this Letter of Credit have not been fully liquidated by authorized charges under the contract, the balance thereof shall be deducted from any sums otherwise due to the Contractor from the Government, and any excess funds shall be repaid by the Contractor to the Government upon demand.

(f) The Contractor shall submit to the Government periodic disbursement reports as directed by the Contracting Officer.

(g) Once each month, the Contractor shall submit an Invoice or Public Voucher of costs for the performance of work required hereunder. The following statement shall be shown on each Invoice or Voucher.

"No Check To Be Issued—Payment Made Under Federal Reserve Letter of Credit No. ------."

(5 U.S.C. 301; 40 U.S.C. 486(c))

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER.

Dated: November 19, 1970.

S. H. CLARKE,
Acting Deputy Assistant Secretary for Administration.

[F.R. Doc. 70-15913; Filed, Nov. 25, 1970; 8:48 a.m.]

Chapter 9—Atomic Energy Commission

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 9 of Title 41 is amended as follows:

PART 9–7—CONTRACT CLAUSES

Subpart 9–7.50—Use of Standard Clauses

1. Section 9–7.5004–21, *Classification,* is revised to read as follows:

§ 9–7.5004–21 Classification.

In the performance of the work under this contract, the contractor shall assign classifications to all documents, material, and equipment originated or generated by the contractor in accordance with classification guidance furnished to the contractor by the Commission. Every subcontract and purchase order issued hereunder involving the origination or generation of classified documents, material, or equipment, shall include a provision to the effect that in the performance of such subcontract or purchase order the subcontractor or supplier shall assign classifications to all such documents, material, and equipment in accordance with classification guidance furnished to such subcontractor or supplier by the contractor.

NOTE A: This clause is required in all contracts involving classified information.

2. In § 9–7.5006–12, *Allowable costs and fixed fee (architect-engineer contracts),* paragraph (d) (3) is revised to read as follows:

§ 9–7.5006–12 Allowable costs and fixed fee (architect-engineer contracts).

* * * * *

(d) *Examples of items of allowable cost.*

* * *

(3) *Consulting services* (including legal and accounting) and related expenses, as approved by the Contracting Officer, except as made unallowable by paragraph (e) (22).

* * * * *

PART 9–16—PROCUREMENT FORMS

Subpart 9–16.4—Forms for Advertised Construction Contracts

3. In § 9–16.404–52, *AEC additions to Standard Form 23A, General Provisions (Construction Contract) (November 1969 edition),* the title is revised to read as follows:

§ 9–16.404–52 AEC additions to Standard Form 23A, General Provisions (Construction Contract) (October 1969 edition).

PART 9–51—REVIEW AND APPROVAL OF CONTRACT ACTIONS

Subpart 9–51.1—Headquarters Review and Approval of Field Office Actions

4. In § 9–51.103–3, *Requests for renewals and extensions,* paragraph (b) is revised to read as follows:

§ 9–51.103–3 Requests for renewals and extensions.

* * * * *

(b) A short statement concerning adequacy of contractor performance. The most recent management appraisal should be summarized and incorporated in the submission. If not current, it should be supplemented by any data which are necessary to bring the appraisal up to date.

* * * * *

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 19th day of November 1970.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 70–15878; Filed, Nov. 25, 1970; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter V—National Highway Safety Bureau, Department of Transportation

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Seat Belt Assembly Anchorages

An amendment to Motor Vehicle Safety Standard No. 210, Seat Belt Assembly Anchorages, was published on October 1, 1970 (35 F.R. 15293). Thereafter, pursuant to § 553.35 of the procedural rules (49 CFR 553.35, 35 F.R. 5119), petitions for reconsideration were filed by Rolls Royce, Ltd., International Harvester Co., Chrysler Corp., Ford Motor Co., General Motors Corp., the Automobile Manufacturers Association, Toyota Motor Co., Ltd., American Motors, Jeep Corp., Chrysler United Kingdom, Ltd., and Checker Motors Corp.

In response to information contained in the petitions, and other considerations, certain requirements of the standard are hereby amended and the effective date of the standard with respect to passenger cars is postponed until January 1, 1972. The petitions for relief from certain other requirements of the standard are denied.

1. The effective date of the amended standard with respect to passenger cars was to have been January 1, 1971. Each petitioner claimed to be unable to produce vehicles conforming to the amended standard by that date. Those who provided lead time information indicated that several months would be needed, with estimates ranging from March 31, 1971, for Rolls Royce, to January 1, 1972, for a number of manufacturers. A January 1972 effective date would have the advantage of coinciding with the effective date proposed for the closely related interim standard on occupant crash protection (Docket 69–7, Notice 6, 35 F.R. 14941). Since the amendments with respect to passenger cars are intended primarily to enhance the enforceability of the standard rather than to provide new levels of safety, it has been determined that good cause has been shown for establishing an effective date for passenger cars of January 1, 1972.

With a single exception, the requests for postponement of the effective date of the standard with respect to multipurpose passenger vehicles, trucks, and buses, are denied. One of the primary reasons for amending the standard was to extend the protection afforded by seat belts to occupants of these types of vehicles. A postponement of effective date would leave these vehicles completely without anchorage requirements for an additional 6 months. Although manufacturers who have been installing anchorages may find it necessary to reexamine the strength and location of their anchorages, this is not considered a sufficient ground for postponing the effective date.

International Harvester requested a postponement until January 1, 1972, in the date on which upper torso restraint anchorages will be required on seats other than front seats in multipurpose passenger vehicles. On consideration of the lead time difficulties that have been demonstrated by this manufacturer, the Director regards the request as reasonable and has decided to grant the requested postponement.

2. A number of petitions requested reconsideration of the sections dealing with anchorage location. Section S4.3.1.4 of the standard states that "Anchorages for an individual seat belt assembly shall be located at least 13.75 inches apart laterally for outboard seats and at least 6.75 inches apart laterally for other seats."

General Motors stated that several of its vehicles have anchorages for the center seating position that are 6.50 inches apart, that some of the anchorages for outboard seats are less than 13.75 inches apart, and that there is no basis either for setting a minimum spacing, or for setting different minimum spacings for different seating positions. Similar comments were made by AMA, Chrysler, Ford, and American Motors.

As originally issued, Standard No. 210 had required anchorages to be "as near as practicable, 15 inches apart laterally." To make the standard more precise and more easily enforceable, the notice of September 20, 1969 (34 F.R. 14658), proposed to delete the qualifying language and to require that anchorages be 15 inches apart laterally. The comments indicated that anchorages for center seating positions, particularly the front positions, would require complete relocation. The available data on the effects of anchorage spacing were not regarded as conclusive enough to justify imposing this burden on the manufacturers, and the spacing for anchorages for inboard locations was accordingly reduced to 6.75 inches in the amended standard. Without clearer biomechanical data, the intent was to adopt the prevailing industry minimum as the standard. The same rationale applied to outboard seating positions; where the 15-inch spacing was reduced to 13.75 inches.

It now appears that both spacings employed in the amended standard failed to reflect prevailing locations. The Director is accordingly amending section S4.3.1.4 to establish a minimum spacing of 6.50 inches.

A further problem with the spacing requirement arises from the use of "anchorage" as the reference point for measurement. As long as the standard used the qualifying language "as near as practicable," there was no difficulty. Removal of that phrase by the notice of September 20, 1969, created a problem of interpretation that escaped comment until after issuance of the amended standard. Several petitioners commented that they do not know what point to use for measurement. The Director concedes the deficiency, and accordingly amends section S4.3.1.4 to specify that the spacing is "measured between the vertical centerlines of the bolt holes."

In conjunction with its request for a reduction of the spacing requirement, General Motors stated that where structural members between the anchorage and the seating position have the effect of spreading the seat belt loop apart, the spacing should be measured between the widest contact points on the structure. Since the strength of these structural members is not regulated, there is no assurance that their performance in a crash will be equal to that of properly spaced anchorages. The request offers no improvement in occupant crash protection, and may, in fact, diminish such protection. The request is therefore denied.

3. The amended standard's other location requirements concern the placement of anchorages to achieve desirable seat belt angles. Sections S4.3.1.1 and S4.3.1.3 each use the "nearest belt contact point on the anchorage" as the lower point defining the line whose angle is to be measured. Several petitions expressed uncertainty as to the point described, and on reconsideration the Director agrees that clarification is needed.

In the notice of proposed rule making that preceded the amended standard (34 F.R. 14658, Sept. 20, 1969) the line had been run to the "anchorage". This usage lacked precision, as stated by several comments. In an attempt to define a line that would closely approximate the actual belt angle, the language in question was adopted. The problem lies in the use of the word "anchorage", since in most installations the belt does not actually contact the anchorage. The point intended was, in fact, the nearest contact point of the belt webbing with the hardware that attaches it to the anchorage. In the typical installation, this point would be on an angle plate bolted to the anchorage. Sections S4.3.1.1 and S4.3.1.3 are accordingly amended to use the phrase "the nearest contact point of the belt with the hardware attaching it to the anchorage."

4. The test procedures of S5.1 and S5.2 were the subject of several requests for reconsideration. Most petitioners stated that the test was not representative of crash conditions, and several suggested that it should be displaced by a dynamic test. Times suggested for such a dynamic test ranged from 0.1 second to 1.0 second, and were said to be the tests used by the petitioners, or by one or another of the international standards organizations. The requirement for a 10-second hold period at maximum load attracted the most strongly adverse comment.

From its inception, Standard No. 210 has contemplated a static test. The notice of proposed rule making of September 20, 1969, proposed a test that was clearly static, in that it involved a slow rate of load application (2 to 4 inches per minute). In response to comments that the rate was too slow, and to avoid problems of interpretation as to where the rate of pull was to be measured, the procedures were amended to specify the rate of load application in time rather than distance, with the full load reached in a period of from 0.1 to 30 seconds. It should be noted that the vehicle must be capable of meeting the requirements when tested at any rate within this range. To insure that the basic strength of the structure would be measured whatever the shape of the load application curve, a hold period of 10 seconds was specified. The procedures of the amended standard do no more than give more specific form to the test contemplated in the original standard.

The postponement of the effective date of the amended standard will provide additional time for passenger car manufacturers to assure themselves of compliance with the standard. After consideration of the issues raised in the petitions for reconsideration, the Director has concluded that the tests prescribed by the standard are reasonable, practicable, and appropriate for the affected motor vehicles. The petitions for reconsideration of sections S5.1 and S5.2 are therefore denied.

5. Two petitioners, Rolls Royce and General Motors, stated that it was not practicable to use the "seat back" in determining the angle of the torso line in S4.3.2, in that the seat back angle may vary according to which of its surfaces is measured. Although there may be instances where the angle of the seat back is difficult to determine, questions arising from such instances can be resolved, if necessary, by administrative interpretation, and it has been decided to retain the reference to "seat back" in section S4.3.2.

6. Several petitioners stated that the substitution of the word "device" for "provision" in the definition of seat belt anchorage appeared to change the meaning of that term. No substantive change was intended, and since the rewording has caused some misunderstanding, the Director has decided to to return to the original wording.

7. General Motors also petitioned to reinstate the provision in section S4.3.2 that would allow the upper torso restraint angle to be measured from the shoulder to the anchorage "or to a structure between the shoulder point and the anchorage". The phrase rendered uncertain the effective angle of the belt under stress. The quoted language was deleted in the notice of September 20, 1969, and no sufficient reason has been given for reinstating it. The request is therefore denied.

8. Toyota Motor Co. requested that sections S5.1 and S5.2 be amended to allow use of body blocks equivalent to those specified. Although the standard provides that an anchorage must meet the strength requirements when tested with the specified blocks, manufacturers may use whatever methods they wish to ascertain that their products meet these requirements when so tested, as long as their methods constitute due care. If the Toyota procedures are, in fact, equivalent, there is no need to amend the standard to accommodate them. The request is therefore denied.

In consideration of the foregoing, Motor Vehicle Safety Standard No. 210, in § 571.21 of Title 49, Code of Federal Regulations is amended to read as set forth below.

Effective date. For the reasons given above, it has been determined that the effective date of the amended standard shall be January 1, 1972, for passenger cars. The effective date for multipurpose passenger vehicles, trucks, and buses shall be July 1, 1971, except that the effective date for installation of anchorages for upper torso restraints for seating positions other than front outboard designated seating positions shall be January 1, 1972.

(Secs. 103, 112, 114, and 119 of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1401, 1403, and 1407; delegation of authority at 49 CFR 1.51; 35 F.R. 4955)

Issued on November 20, 1970.

CHARLES H. HARTMAN,
Acting Director.

§ 571.21 Federal motor vehicle safety standards.

* * * * *

MOTOR VEHICLE SAFETY STANDARD No. 210

SEAT BELT ASSEMBLY ANCHORAGES—PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS AND BUSES

S1. *Purpose and scope.* This standard establishes requirements for seat belt assembly anchorages to insure their proper location for effective occupant restraint and to reduce the likelihood of their failure.

S2. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses.

S3. *Definition.* "Seat belt anchorage" means the provision for transferring seat belt assembly loads to the vehicle structure.

S4. *Requirements.*

S4.1 *Type.*

S4.1.1 Seat belt anchorages for a Type 2 seat belt assembly shall be installed for each forward-facing outboard designated seating position, except in—(1) Trucks having a gross vehicle weight rating of more than 10,000 pounds, (2) Convertibles, (3) Open-body type vehicles, (4) Buses, and (5) Walk-in van-type trucks.

S4.1.2 Seat belt anchorages for a Type 1 or a Type 2 seat belt assembly shall be installed for each designated seating position, except a passenger seat in a bus or a designated seating position for which seat belt anchorages for a Type 2 seat belt assembly are required by S4.1.1.

S4.2 *Strength.*

S4.2.1 Except for side-facing seats, the anchorage for a Type 1 seat belt assembly or the pelvic portion of a Type 2 seat belt assembly shall withstand a 5,000-pound force when tested in accordance with S5.1.

S4.2.2 The anchorage for a Type 2 seat belt assembly shall withstand 3,000-pound forces when tested in accordance with S5.2.

S4.2.3 Permanent deformation or rupture of a seat belt anchorage or its surrounding area is not considered to be a failure, if the required force is sustained for the specified time.

S4.2.4 Except for common seat belt anchorages for forward-facing and rearward-facing seats, floor-mounted seat belt anchorages for adjacent designated seating positions shall be tested by simultaneously loading the seat belt assemblies attached to those anchorages.

S4.3 *Location.* As used in this section, "forward" means in the direction in which the seat faces, and other directional references are to be interpreted accordingly.

S4.3.1 *Seat belt anchorages for Type 1 seat belt assemblies and the pelvic portion of Type 2 seat belt assemblies.*

S4.3.1.1 In an installation in which the seat belt does not bear upon the seat frame, a line from the seating reference point to the nearest contact point of the belt with the hardware attaching it to the anchorage for a nonadjustable seat, or from a point 2.50 inches forward of and 0.375 inch above the seating reference point to the nearest contact point of the belt with the hardware attaching it to the anchorage for an adjustable seat in its rearmost position, shall extend forward from the anchorage at an angle with the horizontal of not less than 20° and not more than 75°.

S4.3.1.2 In an installation in which the belt bears upon the seat frame, the seat belt anchorage, if not on the seat structure, shall be aft of the rearmost belt contact point on the seat frame with the seat in the rearmost position. The line from the seating reference point to the nearest belt contact point on the seat frame shall extend forward from that contact point at an angle with the horizontal of not less than 20° and not more than 75°.

S4.3.1.3 In an installation in which the seat belt anchorage is on the seat structure, the line from the seating reference point to the nearest contact point of the belt with the hardware attaching it to the anchorage shall extend forward from that contact point at an angle with the horizontal of not less than 20° and not more than 75°.

S4.3.1.4 Anchorages for an individual seat belt assembly shall be located at least 6.50 inches apart laterally, measured between the vertical centerlines of the bolt holes.

S4.3.2 *Seat belt anchorages for the upper torso portion of Type 2 seat belt assemblies.* With the seat in its full rearward and downward position and the seat back in its most upright position, the seat belt anchorage for the upper end of the upper torso restraint shall be located within the acceptable range shown in Figure 1, with reference to a two dimensional manikin described in SAE Standard J826 (November 1962) whose "H" point is at the seating reference point and whose torso line is at the same angle from the vertical as the seat back.

S5. *Test procedures.* Each vehicle shall meet the requirements of S4.2 when tested according to the following procedures. Where a range of values is specified, the vehicle shall be able to meet the requirements at all points within the range.

S5.1 *Seats with Type 1 or Type 2 seat belt anchorages.* With the seat in its rearmost position, apply a force of 5,000 pounds in the direction in which the seat faces to a pelvic body block as described in Figure 2, restrained by a Type 1 or the pelvic portion of a Type 2 seat belt assembly, as applicable, in a plane parallel to the longitudinal centerline of the vehicle, with an initial force application angle of not less than 5° nor more than 15° above the horizontal. Apply the force at the onset rate of not more than 50,000 pounds per second. Attain the 5,000-pound force in not more than 30 seconds and maintain it for 10 seconds.

S5.2 *Seats with Type 2 seat belt anchorages.* With the seat in its rearmost position, apply forces of 3,000 pounds in the direction in which the seat faces simultaneously to pelvic and upper torso body blocks as described in Figures 2 and 3, restrained by a Type 2 seat belt assembly, in a plane parallel to the longitudinal centerline of the vehicle, with an initial force application angle of not less than 5° nor more than 15° above the horizontal. Apply the forces at the onset rate of not more than 30,000 pounds per second. Attain the 3,000-pound forces in not more than 30 seconds and maintain them for 10 seconds.

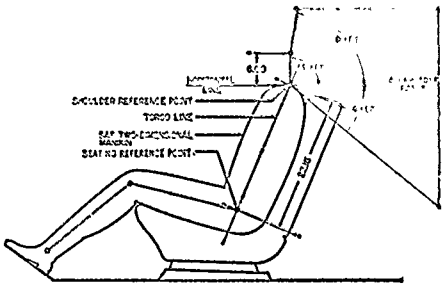

FIGURE 1—LOCATION OF ANCHORAGE FOR UPPER TORSO RESTRAINT

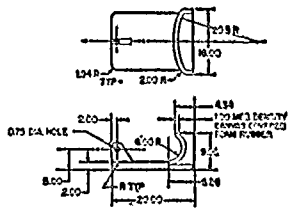

FIGURE 2—BODY BLOCK FOR LAP BELT ANCHORAGE

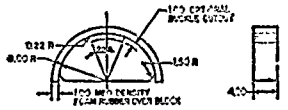

FIGURE 3—BODY BLOCK FOR COMBINATION SHOULDER AND LAP BELT ANCHORAGE

[F.R. Doc. 70-15930; Filed, Nov. 25, 1970; 8:45 a.m.]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires; Passenger Cars

On October 29, 1970, a notice was published (35 F.R. 16734) amending Federal Motor Vehicle Safety Standard No. 109, New Pneumatic Tires—Passenger Cars, 49 CFR 571.21. As published, S6.2 incorrectly stated the periods for which reports must be filed on the number of reclassified tires sold by the manufacturer. That notice is corrected, and 49 CFR 571.21 is amended, by changing the phrase in S6.2 reading "for the period covering November 1, 1970, through July 31, 1971" to read "for the period covering December 1, 1970, through June 30, 1971", and by changing the phrase reading "for the period covering the preceding January 31" to read "for the period covering the preceding January 1".

(Secs. 103, 112, 119, National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1401,

1407; delegations of authority at 49 CFR 1.51, 35 F.R. 4955; 49 CFR 501.8, 35 F.R. 11126)

CHARLES H. HARTMAN,
Acting Director.

NOVEMBER 20, 1970.

[F.R. Doc. 70-15928; Filed, Nov. 25, 1970; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Mark Twain National Wildlife Refuge, Illinois, Iowa, and Missouri

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MARK TWAIN NATIONAL WILDLIFE REFUGE

Sport fishing on the Mark Twain National Wildlife Refuge, Illinois, Iowa, and Missouri, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 6,457 acres, are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, MN 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

ILLINOIS

(1) The open season for sport fishing on the Calhoun and Batchtown Divisions of the Mark Twain National Wildlife Refuge extends from January 1, 1971, through October 15, 1971 with the exception of certain designated areas open until December 31, 1971.

(2) The open season for sport fishing on the Keithsburg Division of the Mark Twain National Wildlife Refuge extends from January 1, 1971, through October 15, 1971.

(3) The open season for sport fishing on the Gardner Division of the Mark Twain National Wildlife Refuge extends from January 1, 1971, through October 15, 1971.

IOWA

(1) The open season for sport fishing on the Louisa Division of the Mark Twain National Wildlife Refuge extends from January 1, 1971, through September 30, 1971, with the exception of areas adjacent to the Port Louisa road which are open until December 31, 1971.

(2) The open season for sport fishing on the Big Timber Division of the Mark Twain National Wildlife Refuge extends from January 1, 1971, through December 31, 1971.

MISSOURI

(1) The open season for sport fishing on the Clarence Cannon National Wildlife Refuge extends from April 1, 1971, through September 30, 1971, with the exception of Bryants Creek and certain designated areas which are open from January 1, 1971, through December 31, 1971.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through December 31, 1971.

JAMES F. GILLETT,
Refuge Manager, Mark Twain National Wildlife Refuge, Quincy, Ill.

NOVEMBER 18, 1970.

[F.R. Doc. 70-15895; Filed, Nov. 25, 1970; 8:46 a.m.]

PART 33—SPORT FISHING

Upper Souris National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

UPPER SOURIS NATIONAL WILDLIFE REFUGE

Sport fishing on the Upper Souris National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas comprise 7,000 acres and are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, MN 55111. Sport fishing shall be in accordance with all applicable State laws and regulations subject to the following special conditions:

(1) The refuge areas shall be open to the taking of fish from January 1 through March 28, 1971. The refuge shall then be closed to the taking of fish from March 29 through April 30, 1971. The refuge shall then be open to the taking of fish from May 1 through September 30, 1971. The refuge shall then be closed to the taking of fish from October 1 through December 15, 1971, and open to fishing from December 16 through December 31, 1971. Shore fishing will be permitted on those road crossings and areas designated by the Refuge Manager as open for the period October 1 through December 15, 1971.

(2) The use of once frozen smelt, perch eyes and commercially pickled minnows is permitted.

(3) One outboard motor of not more than 10 horsepower may be attached to any boat or floating craft and to be used for fishing purposes only. Speed limit on the Souris River above the Mouse River Park not to exceed 5 miles per hour.

(4) Snowmobiles may be used on Lake Darling from the Lake Darling dam to the Grano road crossing during the winter fishing season only. Snowmobiles prohibited on all other parts of the refuge.

The provisions of this special regulation supplement the regulations which govern fishing on Wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through December 31, 1971.

LEO H. WITTENBERG,
Acting Refuge Manager, Upper Souris National Wildlife Refuge, Foxholm, N. Dak.

NOVEMBER 18, 1970.

[F.R. Doc. 70-15896; Filed, Nov. 25, 1970; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Termination of Investment Credit

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to reflect section 703 of the Tax Reform Act of 1969 (83 Stat. 660), relating to termination of the investment credit, the Income Tax Regulations (26 CFR Part 1) are amended as follows:

PARAGRAPH 1. Section 1.46 is amended by adding new paragraphs (5) and (6) to section 46(b) and by revising the historical note. These revised and added provisions read as follows:

§ 1.46 Statutory provisions; amount of credit.

SEC. 46. *Amount of credit.* * * *

(b) *Carryback and carryover of unused credits.* * * *

(5) *Taxable years beginning after December 31, 1968, and ending after April 18, 1969.* The amount which may be added under this subsection for any taxable year beginning after December 31, 1968, and ending after April 18, 1969, shall not exceed 20 percent of the higher of—

(A) The aggregate of the investment credit carrybacks and investment credit carryovers to the taxable year, or

(B) The highest amount computed under subparagraph (A) for any preceding taxable year which began after December 31, 1968, and ended after April 18, 1969.

(6) *Additional 3-year carryover period in certain cases.* Any portion of an investment credit carryback or carryover to any taxable year beginning after December 31, 1968, and ending after April 18, 1969, which—

(A) May be added under this subsection under the limitation provided by paragraph (2), and

(B) May not be added under the limitation provided by paragraph (5),

shall be an investment credit carryover to each of the 3 taxable years following the last taxable year for which such portion may be added under paragraph (1), and shall (subject to the provisions of paragraphs (1), (2), and (5)) be added to the amount allowable as a credit by section 38 for such years.

[Sec. 46 as added by sec. 2(b), Rev. Act 1962 (76 Stat. 963); as amended by sec. 201(d)(4), Rev. Act 1964 (78 Stat. 32); sec. 3, Act of Nov. 8, 1966 (Public Law 89-800, 80 Stat. 1514); sec. 2(a), Act of Dec. 27, 1967 (Public Law 90-225, 81 Stat. 731); sec. 703(b), Tax Reform Act 1969 (83 Stat. 666)]

PAR. 2. Section 1.46-2 is amended by revising subparagraphs (1) and (2) of, and adding a new subparagraph (5) to, paragraph (a), by revising paragraph (b), and by adding new examples (3) and (4) to paragraph (g). These revised and added provisions read as follows:

§ 1.46-2 Carryback and carryover of unused credit.

(a) *Allowance of unused credit as carryback or carryover*—(1) *In general.* Section 46(b)(1) provides for carrybacks and carryovers of any unused credit. An unused credit is the excess of the credit earned for the taxable year (as defined in paragraph (a) of § 1.46-1) over the limitation based on amount of tax for such taxable year (as determined under paragraph (b) of § 1.46-1). Subject to the limitations contained in paragraph (b) of this section, an unused credit shall be added to the amount allowable as a credit under section 38 for the years to which the unused credit can be carried. The year with respect to which an unused credit arises shall be referred to in this section as the "unused credit year".

(2) *Taxable years to which unused credit may be carried.* Except as provided in subparagraphs (3), (4), and (5) of this paragraph, an unused credit shall be an investment credit carryback to each of the 3 taxable years preceding the unused credit year and an investment credit carryover to each of the 7 taxable years (or 10 taxable years in cases to which subparagraph (5) of this paragraph applies) succeeding the unused credit year, except that an unused credit shall be a carryback only to taxable years ending after December 31, 1961. An unused credit must be carried first to the earliest of the 10 (or 13) taxable years to which it may be carried, and then to each of the other 9 (or 12) taxable years (in order of time) to the extent that the unused credit may not be added (because of the limitations contained in paragraph (b) of this section) to the amount allowable as a credit under section 38 for a prior taxable year.

* * * * *

(5) *Additional 3-year carryover period in certain cases.* Any portion of an investment credit carryback or carryover to any taxable year beginning after December 31, 1968, and ending after April 18, 1969, which may be added to the amount allowable as a credit for such taxable year under the limitation provided in subparagraph (1) of paragraph (b) of this section but may not be added solely because of the limitation provided in subparagraph (2) of such paragraph shall be an investment credit carryover to each of the 10 taxable years succeeding the unused credit year.

(b) *Limitations on allowance of unused credit*—(1) *In general.* The amount of the unused credit from any particular unused credit year which may be added to the amount allowable as a credit under section 38 for any of the preceding or succeeding taxable years to which such credit may be carried shall not exceed the amount by which the limitation based on amount of tax for such preceding or succeeding taxable year exceeds the sum of (i) the credit earned for such preceding or succeeding year, and (ii) other unused credits carried to such preceding or succeeding year which are attributable to unused credit years prior to the particular unused credit year. Thus, in determining the amount, if any, of an unused credit from a particular unused credit year which shall be added to the amount allowable as a credit for any preceding or succeeding taxable year, the credit earned for such preceding or succeeding taxable year, plus any unused credits originating in taxable years prior to a particular unused credit year, shall first be applied against the limitation based on amount of tax for such preceding or succeeding taxable year. To the extent the limitation based on amount of tax for the preceding or succeeding year exceeds the sum of the credit earned for such year and other unused credits attributable to years prior to the particular unused credit year, the unused credit from the particular unused credit year shall be added to the amount allowable as a credit under section 38 for such preceding or succeeding year. To the extent that an unused credit cannot be added for a particular preceding or succeeding taxable year because of the limitation contained in this subparagraph or in subparagraph (2) of this paragraph, such unused credit shall be available as a carryback or carryover to the next succeeding taxable year to which it may be carried.

(2) *Taxable years beginning after December 31, 1968, and ending after April 18, 1969.* The total amount of investment credit carryovers and carrybacks which may be added to the amount allowable as a credit under section 38 for any taxable year beginning after December 31, 1968, and ending after April 18, 1969, shall not exceed 20 percent of the higher of (i) the aggregate of the investment credit carryovers and carrybacks to the taxable year, or (ii) the aggregate of the investment credit carryovers and carrybacks to any preceding taxable year that began after December 31, 1968, and ended after April 18, 1969.

* * * * *

(g) *Examples.* * * *

Example (3). A, a calendar year taxpayer, has a total of $500 in investment credit carryovers to 1969, composed of a $150 unused credit from 1962 and a $350 unused credit from 1968. A's limitation based on amount of tax for 1969 is $135. Under paragraph (b) (2) of this section, A is limited to the use of only $100 (20 percent of $500) of his unused credits in 1969 and in each subsequent year. Since, in the absence of the 20-percent limitation, A could have used $135 of the carryover from 1962, $35 of such carryover (i.e., the portion that cannot be used in 1969 solely because of the 20-percent limitation) qualifies for the additional 3-year carryover period provided in paragraph (a) (5) of this section.

Example (4). The facts are the same as in example (3) except that A places in service in 1972 property eligible for the investment credit under one of the rules provided in section 49(b), producing an unused credit of $300 for 1972 that is a carryback to 1969. Under paragraph (b) (2) of this section, the limitation on the use of carryovers and carrybacks to 1969 and each subsequent year is retroactively increased to $160, i.e., 20 percent of $800 (the sum of $500 in carryovers and $300 in carrybacks to 1969). Therefore, an additional $35 of the carryover from 1962 becomes usable in 1969. Since the remaining $15 of the carryover from 1962 is not usable because of the limitation provided in paragraph (b) (1) of this section, such $15 amount does not qualify for the additional 3-year carryover period provided in paragraph (a) (5) of this section.

* * * * *

PAR. 3. Section 1.47 is amended by revising paragraph (4) of, and adding a new paragraph (5) to, section 47(a), and by revising the historical note, to read as follows:

§ 1.47 Statutory provisions; certain dispositions, etc., of section 38 property.

SEC. 47. *Certain dispositions, etc., of section 38 property*—(a) *General rule.* * * *

(4) *Property destroyed by casualty, etc.* No increase shall be made under paragraph (1) and no adjustment shall be made under paragraph (3) in any case in which—

(A) Any property is disposed of, or otherwise ceases to be section 38 property with respect to the taxpayer, on account of its destruction or damage by fire, storm, shipwreck, or other casualty, or by reason of its theft,

(B) Section 38 property is placed in service by the taxpayer to replace the property described in subparagraph (A), and

(C) The reduction in basis or cost of such section 38 property described in the first sentence of section 46(c)(4) is equal to or greater than the reduction in qualified investment which (but for this paragraph) would be made by reason of the substitution required by paragraph (1) with respect to the property described in subparagraph (A).

Subparagraphs (B) and (C) shall not apply with respect to any casualty or theft occurring after April 18, 1969.

(5) *Certain property replaced after April 18, 1969.* In any case in which—

(A) Section 38 property is disposed of, and

(B) Property which would be section 38 property but for section 49 is placed in service by the taxpayer to replace the property disposed of,

the increase under paragraph (1) and the adjustment under paragraph (3) shall not be greater than the increase or adjustment which would result if the qualified investment of the property described in subparagraph (B) (determined as if such property were section 38 property) were substituted for the qualified investment of the property disposed of (as determined under paragraph (1)). Except in the case of a disposition by reason of a casualty or theft occurring before April 19, 1969, the preceding sentence shall apply only if the section 38 property disposed of is replaced within 6 months after the date of such disposition.

[Sec. 47 as added by sec. 2(b), Rev. Act 1962 (76 Stat. 963); as amended by sec. 703(c), Tax Reform Act 1969 (83 Stat. 666)]

PAR. 4. Section 1.47-3 is amended by revising paragraphs (a) and (c), and by adding a new paragraph (h), to read as follows:

§ 1.47-3 Exceptions to the application of § 1.47-1.

(a) *In general.* Notwithstanding the provisions of § 1.47-2, relating to "disposition" and "cessation," paragraph (a) of § 1.47-1 shall not apply if paragraph (b) of this section (relating to transfers by reason of death), paragraph (c) of this section (relating to property destroyed by casualty), paragraph (d) of this section (relating to reselection of used section 38 property), paragraph (e) of this section (relating to transactions to which section 381 (a) applies), paragraph (f) of this section (relating to mere change in form of conducting a trade or business), paragraph (g) of this section (relating to sale-and-leaseback transactions), or paragraph (h) of this section (relating to certain property replaced after Apr. 18, 1969) applies with respect to such disposition or cessation.

* * * * *

(c) *Property destroyed by casualty*—(1) *Dispositions after April 18, 1969.* Notwithstanding the provisions of § 1.47-2, relating to "disposition" and "cessation," paragraph (a) of § 1.47-1 shall not apply to property which, after April 18, 1969, is disposed of or otherwise ceases to be section 38 property with respect to the taxpayer on account of its destruction or damage by fire, storm, shipwreck or other casualty, or by reason of its theft.

(2) *Dispositions before April 19, 1969.* (i) In the case of property which, before April 19, 1969, is disposed of or otherwise ceases to be section 38 property with respect to the taxpayer on account of its destruction or damage by fire, storm, shipwreck or other casualty, or by reason of its theft, paragraph (a) of § 1.47-1 shall apply except to the extent provided in subdivisions (ii) and (iii) of this subparagraph.

(ii) Paragraph (a) of § 1.47-1 shall not apply if—

(*a*) Section 38 property is placed in service by the taxpayer to replace (within the meaning of paragraph (h) of § 1.46-3) the destroyed, damaged, or stolen property, and

(*b*) The basis (or cost) of the section 38 property which is placed in service by the taxpayer to replace the destroyed, damaged, or stolen property is reduced under paragraph (h) of § 1.46-3.

(iii) If property which would be section 38 property but for section 49 is placed in service by the taxpayer to replace the destroyed, damaged, or stolen property, then the provisions of paragraph (h) of this section (other than the requirement that the replacement take place within 6 months after the disposition) shall apply.

(3) *Examples.* The provisions of subparagraph (2) (ii) of this paragraph may be illustrated by the following examples:

Example (1). (i) A acquired and placed in service on January 1, 1962, machine No. 1 which qualified as section 38 property with a basis of $30,000 and an estimated useful life of 6 years. The amount of qualified investment with respect to such machine was $20,000. For the taxable year 1962 A's credit earned of $1,400 was allowed under section 38 as a credit against its liability for tax. On January 1, 1963, machine No. 1 is completely destroyed by fire. On January 1, 1963, the adjusted basis of machine No. 1 in A's hands is $24,500. A receives $23,000 in insurance proceeds as compensation for the destroyed machine, and on February 15, 1964, A acquires and places in service machine No. 2, which qualifies as section 38 property, with a basis of $41,000 and an estimated useful life of 6 years to replace machine No. 1.

(ii) Under subparagraph (1) of this paragraph, paragraph (a) of § 1.47-1 does not apply with respect to machine No. 1 since machine No. 2 is placed in service to replace machine No. 1 and the $41,000 basis of machine No. 2 is reduced, under paragraph (h) of § 1.46-3, by $23,000. (See example (1) of paragraph (h) (3) of § 1.46-3.)

Example (2). (i) The facts are the same as in example (1) except that A receives only $19,000 in insurance proceeds as compensation for the destroyed machine.

(ii) Although machine No. 2 is placed in service to replace machine No. 1, subparagraph (1) of this paragraph does not apply with respect to machine No. 1 since the basis of machine No. 2 is not reduced under paragraph (h) of § 1.46-3. Paragraph (a) of § 1.47-1 applies with respect to the January 1, 1963, destruction of machine No. 1. The actual useful life of machine No. 1 is 1 year. The recomputed qualified investment with respect to such machine is zero ($30,000 basis multiplied by zero applicable percentage) and A's recomputed credit earned for the taxable year 1962 is zero. The income tax imposed by chapter 1 of the Code on A for the taxable year 1963 is increased by $1,400.

* * * * *

(h) *Certain property replaced after April 18, 1969*—(1) *In general.* (i) If section 38 property is disposed of and property which is similar or related in service or use to the property disposed of and which would be section 38 property but for the application of section 49 is placed

in service to replace the property disposed of, the increase in income tax and adjustment of investment credit carryovers and carrybacks resulting from the recomputation under paragraph (a) of § 1.47–1 shall not be greater than the increase or adjustment that would result from substituting the qualified investment of the replacement property (determined as if such property were section 38 property) for the qualified investment of the property disposed of. The preceding sentence shall not apply unless the replacement takes place within 6 months after the disposition. If property otherwise qualifies as replacement property, it is immaterial that it is placed in service (for example, to undergo testing) before the replaced property is disposed of. The assignment by the taxpayer in his return of an estimated useful life to the replacement property in computing its qualified investment will be considered a representation by the taxpayer that he expects to retain the replacement property for its entire estimated useful life. If such property is disposed of before the end of such life, then the circumstances surrounding the replacement will be examined to determine whether the taxpayer's representation was in good faith and, if appropriate, the qualified investment of the replacement property will be recomputed for the year of replacement using the actual useful life of such property.

(ii) The provisions of subdivision (i) of this subparagraph may be illustrated by the following example:

Example: On January 1, 1967, A, a calendar year taxpayer, acquired and placed in service a new machine with a basis of $100 and an estimated useful life of 8 years. A's qualified investment was $100 and his credit earned was $7, which was allowed as a credit against tax for 1967. On January 15, 1972, A disposed of the machine and replaced it with a similar new machine costing $75 and having an estimated useful life of 8 years. The new machine would be section 38 property but for section 49. Since the actual useful life of the original machine was at least 4 but less than 6 years, the recomputed qualified investment of the machine is $33.33 (33⅓ percent of $100) and under paragraph (a) of § 1.47–1 the amount of recapture tax would be $4.67 ($7, the original credit earned, minus $2.33, the recomputed credit earned). However, under the provisions of this paragraph, the recapture tax may not be greater than the tax that would result from substituting the qualified investment of the replacement property ($75) for the qualified investment of the property disposed of ($100). Since, if this substitution were made, the recapture tax would be only $1.75 ($7, the credit allowed on the original machine, minus $5.25, the credit that would be allowed on the new machine), the recapture tax is limited to $1.75.

(2) *Leased property.* Property disposed of may be replaced with property leased from another, provided (i) an election with respect to the newly leased property could be made under section 48(d) but for section 49, and (ii) the lessee obtains the lessor's written statement that he will not claim such property as replacement property under this paragraph. The statement of the lessor shall contain the information specified in subdivisions (i) through (vii) of § 1.48–4(f)(1) and the statement (or a copy thereof) shall be retained in the records of the lessor and the lessee for a period of at least 3 years after the property is transferred to the lessee.

PAR. 5. Section 1.48 is amended by redesignating subsection (h) of section 48 as subsection (k) thereof, by adding new subsections (h), (i), and (j) to section 48, and by revising the historical note. The revised and added provisions read as follows:

§ 1.48 Statutory provisions; definitions; special rules.

SEC. 48. *Definitions; special rules.* * * *

(h) *Suspension of investment credit.*—For purposes of this subpart—

(1) *General rule.* Section 38 property which is suspension period property shall not be treated as new or used section 38 property.

(2) *Suspension period property defined.* Except as otherwise provided in this subsection and subsection (i), the term "suspension period property" means section 38 property—

(A) The physical construction, reconstruction, or erection of which (i) is begun during the suspension period, or (ii) is begun, pursuant to an order placed during such period, before May 24, 1967, or

(B) Which (i) is acquired by the taxpayer during the suspension period, or (ii) is acquired by the taxpayer, pursuant to an order placed during such period, before May 24, 1967.

In applying subparagraph (A) to any section 38 property, there shall be taken into account only that portion of the basis which is properly attributable to construction, reconstruction, or erection before May 24, 1967.

(3) *Binding contracts.* To the extent that any property is constructed, reconstructed, erected, or acquired pursuant to a contract which was, on October 9, 1966, and at all times thereafter, binding on the taxpayer, such property shall not be deemed to be suspension period property.

(4) *Equipped building rule.* If—

(A) Pursuant to a plan of the taxpayer in existence on October 9, 1966 (which plan was not substantially modified at any time after such date and before the taxpayer placed the equipped building in service), the taxpayer has constructed, reconstructed, erected, or acquired a building and the machinery and equipment necessary to the planned use of the building by the taxpayer, and

(B) More than 50 percent of the aggregate adjusted basis of all the property of a character subject to the allowance for depreciation making up such building as so equipped is attributable to either property the construction, reconstruction, or erection of which was begun by the taxpayer before October 10, 1966, or property the acquisition of which by the taxpayer occurred before such date,

then all section 38 property comprising such building as so equipped (and any incidental section 38 property adjacent to such building which is necessary to the planned use of the building) shall be treated as section 38 property which is not suspension period property. For purposes of subparagraph (B) of the preceding sentence, the rules of paragraphs (3) and (6) shall be applied. For purposes of this paragraph, a special purpose structure shall be treated as a building.

(5) *Plant facility rule*—(A) *General rule.* If—

(i) Pursuant to a plan of the taxpayer in existence on October 9, 1966 (which plan was not substantially modified at any time after such date and before the taxpayer placed the plant facility in service), the taxpayer has constructed, reconstructed, or erected a plant facility, and either

(ii) The construction, reconstruction, or erection of such plant facility was commenced by the taxpayer before October 10, 1966, or

(iii) More than 50 percent of the aggregate adjusted basis of all the property of a character subject to the allowance for depreciation making up such plant facility is attributable to either property the construction, reconstruction, or erection of which was begun by the taxpayer before October 10, 1966, or property the acquisition of which by the taxpayer occurred before such date,

then all section 38 property comprising such plant facility shall be treated as section 38 property which is not suspension period property. For purposes of clause (iii) of the preceding sentence, the rules of paragraphs (3) and (6) shall be applied.

(B) *Plant facility defined.* For purposes of this paragraph, the term "plant facility" means a facility which does not include any building (or of which buildings constitute an insignificant portion) and which is—

(i) A self-contained, single operating unit or processing operation,

(ii) Located on a single site, and

(iii) Identified, on October 9, 1966, in the purchasing and internal financial plans of the taxpayer as a single unitary project.

(C) *Special rule.* For purposes of this subsection, if—

(i) A certificate of convenience and necessity has been issued before October 10, 1966, by a Federal regulatory agency with respect to two or more plant facilities which are included under a single plan of the taxpayer to construct, reconstruct, or erect such plant facilities, and

(ii) More than 50 percent of the aggregate adjusted basis of all the property of a character subject to the allowance for depreciation making up such plant facilities is attributable to either property the construction, reconstruction, or erection of which was begun by the taxpayer before October 10, 1966, or property the acquisition of which by the taxpayer occurred before such date,

such plant facilities shall be treated as a single plant facility.

(D) *Commencement of construction.* For purposes of subparagraph (A)(ii), the construction, reconstruction, or erection of a plant facility shall not be considered to have commenced until construction, reconstruction, or erection has commenced at the site of such plant facility. The preceding sentence shall not apply if the site of such plant facility is not located on land.

(6) *Machinery or equipment rule.* Any piece of machinery or equipment—

(A) More than 50 percent of the parts and components of which (determined on the basis of cost) were held by the taxpayer on October 9, 1966, or are acquired by the taxpayer pursuant to a binding contract which was in effect on such date, for inclusion or use in such piece of machinery or equipment, and

(B) The cost of the parts and components of which is not an insignificant portion of the total cost,

shall be treated as property which is not suspension period property.

(7) *Certain lease-back transactions, etc.* Where a person who is a party to a binding contract described in paragraph (3) transfers rights in such contract (or in the property to which such contract relates) to another person but a party to such contract retains a right to use the property under a lease with such other person, then to the extent of the transferred rights such other person shall,

for purposes of paragraph (3), succeed to the position of the transferor with respect to such binding contract and such property. The preceding sentence shall apply, in any case in which the lessor does not make an election under subsection (d), only if a party to such contract retains a right to use the property under a long-term lease.

(8) *Certain lease and contract obligations.* Where, pursuant to a binding lease or contract to lease in effect on October 9, 1966, a lessor or lessee is obligated to construct, reconstruct, erect, or acquire property specified in such lease or contract, any property so constructed, reconstructed, erected, or acquired by the lessor or lessee which is section 38 property shall be treated as property which is not suspension period property. In the case of any project which includes property other than the property to be leased to such lessee, the preceding sentence shall be applied, in the case of the lessor, to such other property only if the binding leases and contracts with all lessees in effect on October 9, 1966, cover real property constituting 25 percent or more of the project (determined on the basis of rental value). For purposes of the preceding sentences of this paragraph, in the case of any project where one or more vendor-vendee relationships exist, such vendors and vendees shall be treated as lessors and lessees. Where, pursuant to a binding contract in effect on October 9, 1966, (i) the taxpayer is required to construct, reconstruct, erect, or acquire property specified in the contract, to be used to produce one or more products, and (ii) the other party is required to take substantially all of the products to be produced over a substantial portion of the expected useful life of the property, then such property shall be treated as property which is not suspension period property. Clause (ii) of the preceding sentence shall not apply if a political subdivision of a State is the other party to the contract and is required by the contract to make substantial expenditures which benefit the taxpayer.

(9) *Certain transfers to be disregarded.* (A) If property or rights under a contract are transferred in—

(i) A transfer by reason of death, or

(ii) A transaction as a result of which the basis of the property in the hands of the transferee is determined by reference to its basis in the hands of the transferor by reason of the application of section 332, 351, 361, 371(a), 374(a), 721, or 731,

and such property (or the property acquired under such contract) would not be treated as suspension period property in the hands of the decedent or the transferor, such property shall not be treated as suspension period property in the hands of the transferee.

(B) If—

(i) Property or rights under a contract are acquired in a transaction to which section 334(b) (2) applies,

(ii) The stock of the distributing corporation was acquired before October 10, 1966, or pursuant to a binding contract in effect October 9, 1966, and

(iii) Such property (or the property acquired under such contract) would not be treated as suspension period property in the hands of the distributing corporation,

such property shall not be treated as suspension period property in the hands of the distributee.

(10) *Property acquired from affiliated corporation.* For purposes of this subsection, in the case of property acquired by a corporation which is a member of an affiliated group from another member of the same group—

(A) Such corporation shall be treated as having acquired such property on the date on which it was acquired by such other member.

(B) Such corporation shall be treated as having entered into a binding contract for the construction, reconstruction, erection, or acquisition of such property on the date on which such other member entered into a contract for the construction, reconstruction, erection, or acquisition of such property, and

(C) Such corporation shall be treated as having commenced the construction, reconstruction, or erection of such property on the date on which such other member commenced such construction, reconstruction, or erection.

For purposes of the preceding sentence, the term "affiliated group" has the meaning assigned to it by section 1504(a), except that all corporations shall be treated as includible corporations (without any exclusion under section 1504(b)).

(11) *Certain tangible property constructed during suspension period and leased new thereafter.* Tangible personal property constructed or reconstructed by a person shall not be suspension period property if—

(A) Such person leases such property after the close of the suspension period and the original use of such property commences after the close of such period,

(B) Such construction or reconstruction, and such lease transaction, was not pursuant to an order placed during the suspension period, and

(C) An election is made under subsection (d) with respect to such property which satisfies the requirements of such subsection.

(12) *Water and air pollution control facilities*—(A) *In general.* Any water pollution control facility or air pollution control facility shall be treated as property which is not suspension period property.

(B) *Water pollution control facility.* For purposes of subparagraph (A), the term "water pollution control facility" means any section 38 property which—

(i) Is used primarily to control water pollution by removing, altering, or disposing of wastes, including the necessary intercepting sewers, outfall sewers, pumping, power, and other equipment, and their appurtenances; and

(ii) Is certified by the State water pollution control agency (as defined in section 13(a) of the Federal Water Pollution Control Act) as being in conformity with the State program or requirements for control of water pollution and is certified by the Secretary of Interior as being in compliance with the applicable regulations of Federal agencies and the general policies of the United States for cooperation with the States in the prevention and abatement of water pollution under the Federal Water Pollution Control Act.

(C) *Air pollution control facility.* For purposes of subparagraph (A), the term "air pollution control facility" means any section 38 property which—

(i) Is used primarily to control atmospheric pollution or contamination by removing, altering, or disposing of atmospheric pollutants or contaminants; and

(ii) Is certified by the State air pollution control agency (as defined in section 302(b) of the Clean Air Act) as being in conformity with the State program or requirements for control of air pollution and is certified by the Secretary of Health, Education, and Welfare as being in compliance with the applicable regulations of Federal agencies and the general policies of the United States for cooperation with the States in the prevention and abatement of air pollution under the Clean Air Act.

(D) *Standards for facility.* Subparagraph (A) shall apply in the case of any facility only if the taxpayer constructs, reconstructs, erects, or acquires such facility in furtherance of Federal, State, or local standards for the control of water pollution or atmospheric pollution or contaminants.

(13) *Certain replacement property.* Section 38 property constructed, reconstructed, erected, or acquired by the taxpayer shall be treated as property which is not suspension period property to the extent such property is placed in service to replace property which was—

(A) Destroyed or damaged by fire, storm, shipwreck, or other casualty, or

(B) Stolen,

but only to the extent the basis (in the case of new section 38 property) or cost (in the case of used section 38 property) of such section 38 property does not exceed the adjusted basis of the property destroyed, damaged, or stolen.

(i) *Exemption from suspension of $20,000 of investment*—(1) *In general.* In the case of property acquired by the taxpayer by purchase for use in his trade or business which would (but for this subsection) be suspension period property, the taxpayer may select items to which this subsection applies, to the extent of an aggregate cost, for the suspension period, of $20,000. Any item so selected shall be treated as property which is not suspension period property for purposes of this subpart (other than for purposes of paragraphs (4), (5), (6), (7), (8), (9), and (10) of subsection (h)).

(2) *Applicable rules.* Under regulations prescribed by the Secretary or his delegate, rules similar to the rules provided by paragraphs (2) and (3) of subsection (c) shall be applied for purposes of this subsection. Subsection (d) shall not apply with respect to any item to which this subsection applies.

(j) *Suspension period.* For purposes of this subpart, the term "suspension period" means the period beginning on October 10, 1966, and ending on March 9, 1967.

(k) *Cross reference.* For application of this subpart to certain acquiring corporations, see section 381(c)(23).

[Sec. 48 as added by sec. 2(b), Rev. Act 1962 (76 Stat. 963); as amended by sec. 203(a)(1) and (3)(A), (b), and (c), Rev. Act 1964 (78 Stat. 33, 34); sec. 1(a), Act of Nov. 8, 1966 (Public Law 89-800, 80 Stat. 1503); sec. 201(a), Act of Nov. 13, 1966 (Public Law 89-809, 80 Stat. 1575, 1576); sec. 1, 2(a), and (3), Act of June 13, 1967 (Public Law 90-26, 81 Stat. 57, 58)]

PAR. 6. The following new section is added after § 1.48-7:

§ 1.49 Statutory provisions; termination of credit.

SEC. 49. *Termination of credit.*—(a) *General rule.* For purposes of this subpart, the term "section 38 property" does not include property—

(1) The physical construction, reconstruction, or erection of which is begun after April 18, 1969, or

(2) Which is acquired by the taxpayer after April 18, 1969, other than pre-termination property.

(b) *Pretermination property.* For purposes of this section—

(1) *Binding contracts.* Any property shall be treated as pretermination property to the extent that such property is constructed, reconstructed, erected, or acquired pursuant to a contract which was, on April 18, 1969, and at all times thereafter, binding on the taxpayer.

(2) *Equipped building rule.* If—

(A) pursuant to a plan of the taxpayer in existence on April 18, 1969 (which plan was not substantially modified at any time

after such date and before the taxpayer placed the equipped building in service), the taxpayer has constructed, reconstructed, erected, or acquired a building and the machinery and equipment necessary to the planned use of the building by the taxpayer, and

(B) more than 50 percent of the aggregate adjusted basis of all the property of a character subject to the allowance for depreciation making up such building as so equipped is attributable to either property the construction, reconstruction, or erection of which was begun by the taxpayer before April 19, 1969, or property the acquisition of which by the taxpayer occurred before such date,

then all property comprising such building as so equipped (and any incidental property adjacent to such building which is necessary to the planned use of the building) shall be pre-termination property. For purposes of subparagraph (B) of the preceding sentence, the rules of paragraphs (1) and (4) shall be applied. For purposes of this paragraph, a special purpose structure shall be treated as a building.

(3) *Plant facility rule.*—(A) *General Rule.* If—

(i) Pursuant to a plan of the taxpayer in existence on April 18, 1969 (which plan was not substantially modified at any time after such date and before the taxpayer placed the plant facility in service), the taxpayer has constructed, reconstructed, or erected a plant facility, and either

(ii) The construction, reconstruction, or erection of such plant facility was commenced by the taxpayer before April 19, 1969, or

(iii) More than 50 percent of the aggregate adjusted basis of all the property of a character subject to the allowance for depreciation making up such plant facility is attributable to either property the construction, reconstruction, or erection of which was begun by the taxpayer before April 19, 1969, or property the acquisition of which by the taxpayer occurred before such date,

then all property comprising such plant facility shall be pretermination property. For purposes of clause (iii) of the preceding sentence, the rules of paragraphs (1) and (4) shall be applied.

(B) *Plant facility defined.* For purposes of this paragraph, the term "plant facility" means a facility which does not include any building (or of which buildings constitute an insignificant portion) and which is—

(i) A self-contained, single operating unit or processing operation,

(ii) Located on a single site, and

(iii) Identified, on April 18, 1969, in the purchasing and internal financial plans of the taxpayer as a single unitary project.

(C) *Special rule.* For purposes of this subsection, if—

(i) A certificate of convenience and necessity has been issued before April 19, 1969, by a Federal regulatory agency with respect to two or more plant facilities which are included under a single plan of the taxpayer to construct, reconstruct, or erect such plant facilities, and

(ii) More than 50 percent of the aggregate adjusted basis of all the property of a character subject to the allowance for depreciation making up such plant facilities is attributable to either property the construction, reconstruction, or erection of which was begun by the taxpayer before April 19, 1969, or property the acquisition of which by the taxpayer occurred before such date,

such plant facilities shall be treated as a single plant facility.

(D) *Commencement of construction.* For purposes of subparagraph (A)(ii), the construction, reconstruction, or erection of a plant facility shall not be considered to have commenced until construction, reconstruction, or erection has commenced at the site of such plant facility. The preceding sentence shall not apply if the site of such plant facility is not located on land.

(4) *Machinery or equipment rule.* Any piece of machinery or equipment—

(A) More than 50 percent of the parts and components of which (determined on the basis of cost) were held by the taxpayer on April 18, 1969, or are acquired by the taxpayer pursuant to a binding contract which was in effect on such date, for inclusion or use in such piece of machinery or equipment; and

(B) The cost of the parts and components of which is not an insignificant portion of the total cost,

shall be treated as property which is pretermination property.

(5) *Certain lease-back transactions, etc.* (A) Where a person who is a party to a binding contract described in paragraph (1) transfers rights in such contract (or in the property to which such contract relates) to another person but a party to such contract retains a right to use the property under a lease with such other person, then to the extent of the transferred rights such other person shall, for purposes of paragraph (1), succeed to the position of the transferor with respect to such binding contract and such property. In any case in which the lessor does not make an election under section 48(d)—

(i) The preceding sentence shall apply only if a party to the contract retains the right to use the property under a lease for a term of at least 1 year; and

(ii) If such use is retained (other than under a long-term lease), the lessor shall be deemed for the purposes of section 47 as having made a disposition of the property at such time as the lessee loses the right to use the property.

For purposes of clause (ii), if the lessee transfers the lease in a transfer described in paragraph (7), the lessee shall be considered as having the right to use of the property so long as the transferee has such use.

(B) For purposes of subparagraph (A)—

(i) A person who holds property (or rights in property) which is pretermination property by reason of the application of paragraph (4) shall, with respect to such property, be treated as a party to a binding contract described in paragraph (1), and

(ii) A corporation which is a member of the same affiliated group (as defined in paragraph (8)) as the transferor described in subparagraph (A) and which simultaneously with the transfer of property to another person acquires a right to use such property under a lease with such other person shall be treated as the transferor and as a party to the contract.

(6) *Certain lease and contract obligations.* (A) Where, pursuant, to a binding lease or contract to lease in effect on April 18, 1969, a lessor or lessee is obligated to construct, reconstruct, erect, or acquire property specified in such lease or contract or in a related document filed before April 19, 1969, with a Federal regulatory agency, or property the specifications of which are readily ascertainable from the terms of such lease or contract or from such related document, any property so constructed, reconstructed, erected, or acquired by the lessor or lessee shall be pretermination property. In the case of any project which includes property other than the property to be leased to such lessee, the preceding sentence shall be applied, in the case of the lessor, to such other property only if the binding leases and contracts with all lessees in effect on April 18, 1969, cover real property constituting 25 percent or more of the project (determined on the basis of rental value). For purposes of the preceding sentences of this paragraph, in the case of any project where one or more vendor-vendee relationships exist, such vendors and vendees shall be treated as lessors and lessees.

(B) Where, in order to perform a binding contract or contracts in effect on April 18, 1969, (i) the taxpayer is required to construct reconstruct, erect, or acquire property specified in any order of a Federal regulatory agency for which application was filed before April 19, 1969, (ii) the property is to be used to transport one or more products under such contract or contracts, and (iii) one or more parties to the contract or contracts are required to take or to provide more than 50 percent of the products to be transported over a substantial portion of the expected useful life of the property, then such property shall be pretermination property.

(C) Where, in order to perform a binding contract in effect on April 18, 1969, the taxpayer is required to construct, reconstruct, erect, or acquire property specified in the contract to be used to produce one or more products and (unless the other party to the contract is a State or a political subdivision of a State which is required by the contract to make substantial expenditures which benefit the taxpayer) the other party to the contract is required to take substantially all of the products to be produced over a substantial portion of the expected useful life of the property, then such property shall be pretermination property. For purposes of applying the preceding sentence in the case of a contract for the extraction of minerals, property shall be treated as specified in the contract if (i) the specifications for such property are readily ascertainable from the location and characteristics of the mineral properties specified in such contract from which the minerals are to be extracted; (ii) such property is necessary for and is to be used solely in the extraction of minerals under such contract; (iii) the physical construction, reconstruction, or erection of such property is begun by the taxpayer before April 19, 1970, such property is acquired by the taxpayer before April 19, 1970, or such property is constructed, reconstructed, erected, or acquired pursuant to a contract which was, on April 18, 1970, and at all times thereafter, binding on the taxpayer; (iv) such property is placed in service on or before December 31, 1972; (v) such contract is a fixed price contract (except for provisions for price changes under which the loss of the credit allowed by section 38 would not result in a price change); and (vi) such property is not placed in service to replace other property used in extracting minerals under such contract.

(7) *Certain transfers to be disregarded.* (A) If property or rights under a contract are transferred in—

(i) A transfer by reason of death,

(ii) A transaction as a result of which the basis of the property in the hands of the transferee is determined by reference to its basis in the hands of the transferor by reason of the application of section 332, 351, 361, 371(a), 374(a), 721, or 731, or

(iii) A sale of substantially all of the assets of the transferor pursuant to the terms of a contract, which was on April 18, 1969, and at all times thereafter, binding on the transferee,

and such property (or the property acquired under such contract) would be treated as pretermination property in the hands of the decedent or the transferor, such property shall be treated as pretermination property in the hands of the transferee.

(B) If—

(i) Property or rights under a contract are acquired in a transaction to which section 334(b)(2) applies,

(ii) The stock of the distributing corporation was acquired before April 19, 1969, or pursuant to a binding contract in effect April 18, 1969, and

(iii) Such property (or the property acquired under such contract) would be treated as pretermination property in the hands of the distributing corporation,

such property shall be treated as pretermination property in the hands of the distributee.

(8) *Property acquired from affiliated corporation.* In the case of property acquired by a corporation which is a member of an affiliated group from another member of the same group—

(A) Such corporation shall be treated as having acquired such property on the date on which it was acquired by such other member,

(B) Such corporation shall be treated as having entered into a binding contract for the construction, reconstruction, erection, or acquisition of such property on the date on which such other member entered into a contract for the construction, reconstruction, erection, or acquisition of such property, and

(C) Such corporation shall be treated as having commenced the construction, reconstruction, or erection of such property on the date on which such other member commenced such construction, reconstruction, or erection.

For purposes of this subsection and subsection (c), a contract between two corporations which are members of the same affiliated group shall not be treated as a binding contract as between such corporations, unless, at all times after June 30, 1969, and prior to the completion of performance of such contract, such corporations are not members of the same affiliated group. For purposes of the preceding sentences, the term "affiliated group" has the meaning assigned to it by section 1504(a), except that all corporations shall be treated as includible corporations (without any exclusion under section 1504(b)).

(9) *Barges for ocean-going vessels.* Barges specifically designed and constructed, reconstructed, erected, or acquired for use with ocean-going vessels which are designed to carry barges and which are pretermination property, but not in excess of—

(A) The number to be used with such vessels specified in applications for mortgage or construction loan insurance filed with the Secretary of Commerce on or before April 18, 1969, under title XI of the Merchant Marine Act, 1936, or

(B) If subparagraph (A) does not apply and if more than 50 percent of the barges which the taxpayer establishes as necessary to the initial planned use of such vessels are pretermination property (determined without regard to this paragraph), the number which the taxpayer establishes as so necessary,

together with the machinery and equipment to be installed on such barges and necessary for their planned use, shall be treated as pretermination property.

(10) *Certain new-design products.* Where—

(A) On April 18, 1969, the taxpayer had undertaken a project to produce a product of a new design pursuant to binding contracts in effect on such date which—

(i) Were fixed-price contracts (except for provisions requiring or permitting price changes resulting from changes in rates of pay or costs of materials), and

(ii) Covered more than 50 percent of the entire production of such design to be delivered by the taxpayer before January 1, 1973, and

(B) On or before April 18, 1969, more than 50 percent of the aggregate adjusted basis of all property of a character subject to the allowance for depreciation required to carry out such binding contracts was property the construction, reconstruction, or erection of which had been begun by the taxpayer, or had been acquired by the taxpayer (or was under a binding contract for such construction, reconstruction, erection, or acquisition),

then all tangible personal property placed in service by the taxpayer before January 1, 1972, which is required to carry out such binding contracts shall be deemed to be pretermination property. For purposes of subparagraph (B) of the preceding sentence, jigs, dies, templates, and similar items which can be used only for the manufacture or assembly of the production under the project and which were described in written engineering and internal financial plans of the taxpayer in existence on April 18, 1969, shall be treated as property which on such date was under a binding contract for construction.

(c) *Leased property.* In the case of property which is leased after April 18, 1969 (other than pursuant to a binding contract to lease entered into before April 19, 1969), which is section 38 property with respect to the lessor but is property which would not be section 38 property because of the application of subsection (a) if acquired by the lessee, and which his property of the same kind which the lessor ordinarily sold to customers before April 19, 1969, or ordinarily leased before such date and made an election under section 48(d), such property shall not be section 38 property with respect to either the lessor or the lessee.

(d) *Property placed in service after 1975.* For purposes of this subpart, the term "section 38 property" does not include any property placed in service after December 31, 1975.

[Sec. 49 as added by sec. 703(a), Tax Reform Act 1969 (83 Stat. 660)]

[F.R. Doc. 70-15946; Filed, Nov. 25, 1970; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 929]

CRANBERRIES

Expenses and Rate of Assessment for 1970–71 Fiscal Period

Consideration is being given to the following proposals submitted by the Cranberry Marketing Committee, established under the marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929), regulating the handling of cranberries grown in Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That the expenses that are reasonable and likely to be incurred by said committee, during the fiscal period September 1, 1970, through August 31, 1971, will amount to $68,230.

(2) That the rate of assessment for such period, payable by each handler in accordance with § 929.41, be fixed at $0.035 per barrel or equivalent quantity of cranberries.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, DC 20250, not later than the 10th day after publication of the notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: November 23, 1970.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70-15937; Filed, Nov. 25, 1970; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 75]

[Airspace Docket No. 70-WA-31]

AREA HIGH ROUTES

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate four area high routes between New York City, N.Y., and Oakland, Calif./Los Angeles, Calif.

Amendments to Parts 71 and 75 of the Federal Aviation Regulations were published in the FEDERAL REGISTER on July 1, 1970 (35 F.R. 10653), which established regulatory bases for the designation of specific area high and area low routes.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. All communications received within 30 days after publication of this notice will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

An official docket will be available for examination by interested persons at the

Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590.

The FAA proposes to amend Part 75 of the Federal Aviation Regulations by designating area high routes as follows:

J800R:
- Robbinsville, N.J., VORTAC, lat. 40°12'08" N., long. 74°29'44" W.;
- Philipsburg, Pa., 191° M/57 nautical miles, lat. 39°58'04" N., long. 78°04'45" W.;
- Ellwood City, Pa., 185.6° M/48.9 nautical miles, lat 40°00'32" N., long. 80°13'33" W.;
- Rosewood, Ohio, 179.6° M/18.1 nautical miles, lat. 39°59'12" N., long. 84°01'56" W.;
- Lafayette, Ind., 175° M/40.4 nautical miles, lat. 39°53'03" N., long. 87°00'56" W.;
- Lewis, Ind., 354.3° M/35.9 nautical miles, lat. 39°52'12" N., long. 87°18'22" W.;
- St. Louis, Mo., 349.4° M/48.2 nautical miles, lat. 39°39'41" N., long. 90°35'07" W.;
- Kansas City, Mo., VORTAC, lat. 39°16'46" N., long. 94°35'28" W.;
- Wichita, Kans., 339.3° M/67.7 nautical miles, lat. 38°50'11" N., long. 97°43'48" W.;
- Lamar, Colo., 153.7° M/13.6 nautical miles, lat. 37°58'40" N., long. 102°37'04" W.;
- Pueblo, Colo., 151.8° M/39.9 nautical miles, lat. 37°39'06" N., long. 104°12'40" W.;
- Dove Creek, Colo., 148° M/72.2 nautical miles, lat. 36°39'39" N., long. 108°28'25" W.;
- Tuba City, Utah, 146.4° M/11.7 nautical miles, lat. 35°56'12" N., long. 111°11'25" W.;
- Parker, Calif., 254.3° M/128 nautical miles, lat. 34°02'51" N., long. 117°14'54" W.
- Peach Springs, Ariz., 257.6° M/104.5 nautical miles, lat. 35°40'57" N., long. 115°40'43" W.;
- Bryce Canyon, Utah, 144.2° M/51.9 nautical miles, lat. 36°52'39" N., long. 111°55'26" W.;
- Farmington, N. Mex., 327.8° M/68 nautical miles, lat. 37°49'34" N., long. 108°32'32" W.;
- Pueblo, Colo., 330.7° M/30.5 nautical miles, lat. 38°46'59" N., long. 104°36'21" W.;
- Hayes Center, Nebr., 142.4° M/54.7 nautical miles, lat. 39°38'14" N., long. 100°23'38" W.;
- Wolbach, Nebr., 155.2° M/76.7 nautical miles, lat. 40°08'09" N., long. 97°56'23" W.;
- Des Moines, Iowa, 161.8° M/33.3 nautical miles, lat. 40°53'34" N., long. 93°30'19" W.;
- Joliet, Ill., VORTAC, lat. 41°32'47" N., long. 88°19'06" W.;
- Flint, Mich., 196° M/45.5 nautical miles, lat. 42°13'36" N., long. 83°58'14" W.;
- Buffalo, N.Y., 187.8° M/67.6 nautical miles, lat. 41°48'09" N., long. 78°38'27" W.;
- Sparta, N.J., VORTAC, lat. 41°04'03" N., long. 74°32'19" W.

J802R:
- Robbinsville, N.J., VORTAC, lat. 40°12'08" N., long. 74°29'44" W.;
- Philipsburg, Pa., 194.6° M/18.8 nautical miles, lat. 40°36'18" N., long. 78°02'45" W.;
- Appleton, Ohio, 007° M/48.4 nautical miles, lat. 40°57'21" N., long. 82°30'22" W.;
- Lafayette, Ind., 000.3° M/34.8 nautical miles, lat. 41°08'12" N., long. 87°02'57" W.;
- Iowa City, Iowa, 97.6° M/94 nautical miles, lat. 41°09'35" N., long. 89°35'16" W.;
- Pawnee City, Nebr., 321.7° M/49.8 nautical miles, lat. 40°55'26" N., long. 96°44'30" W.;
- Hayes Center, Nebr., 341.5° M/10.1 nautical miles, lat. 40°37'16" N., long. 100°56'56" W.;
- Denver, Colo., 337.3° M/21.3 nautical miles, lat. 40°12'39" N., long. 104°49'29" W.;
- Myton, Utah, 151.9° M/41.5 nautical miles, lat. 39°28'07" N., long. 109°56'02" W.;
- Wilson Creek, Nev., 328.7° M/21.5 nautical miles, lat. 38°35'50" N., long. 114°30'43" W.;
- Coaldale, Nev., 67° M/44 nautical miles lat. 38°04'35" N., long. 116°50'45" W.;
- Coaldale, Nev., VORTAC, lat. 38°00'12" N., long. 117°46'10" W.;

J803R:
- Coaldale, Nev., 322.9° M/35.9 nautical miles, lat. 38°33'55" N., long. 118°01'54" W.;
- Bonneville, Utah, 147.2° M/64.8 nautical miles, lat. 39°41'11" N., long. 113°22'10" W.;
- Rock Springs, Wyo., 151.2° M/60.3 nautical miles, lat. 40°36'39" N., long. 109°42'39" W.;
- Scottsbluff, Nebr., 156.9° M/28.1 nautical miles, lat. 41°25'56" N., long. 103°22'29" W.;
- Hayes Center, Nebr., 339.8° M/75.4 nautical miles, lat. 41°41'55" N., long. 101°00'49" W.;
- Lincoln, Nebr., 345° M/70.3 nautical miles lat. 42°05'27" N., long. 96°53'34" W.;
- Iowa City, Iowa, 041° M/75 nautical miles lat. 42°22'49" N., long. 90°23'48" W.;
- South Bend, Ind., 002° M/32.9 nautical miles, lat. 42°19'02" N., long. 86°17'28" W.;
- Flint, Mich., 196° M/45.5 nautical miles lat. 42°13'36" N., long. 83°58'14" W.;
- Buffalo, N.Y., 187.8° M/67.6 nautical miles lat. 41°48'09" N., long. 78°38'27" W.;
- Sparta, N.Y., VORTAC, lat. 41°04'01" N. long. 74°32'19" W.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C 1655(c)).

Issued in Washington, D.C., on November 24, 1970.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 70-15977; Filed, Nov. 25, 1970; 8:50 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

PATHFINDER FUND, INC.

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3) 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a Certificate of Registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

The Pathfinder Fund, 850 Boylston Street, Chestnut Hill, MA 02167.

HARRIETT S. CROWLEY,
Director, Office for Private Overseas Programs.

NOVEMBER 11, 1970.

[F.R. Doc. 70-15934; Filed, Nov. 16, 1970; 8:49 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

JEROME RUSSELL BIALKE

Notice of Granting of Relief

Notice is hereby given that Jerome Russell Bialke, 5445 Stow Road, Fowlerville, MI 48836, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on November 7, 1962, in the Recorder's Court, Detroit, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Jerome Russell Bialke because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Jerome Russell Bialke to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Jerome Russell Bialke's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered,* That Jerome Russell Bialke be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 16th day of November 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 70-15915; Filed, Nov. 25, 1970; 8:48 a.m.]

PAUL KEITH SHAW

Notice of Granting of Relief

Notice is hereby given that Mr. Paul Keith Shaw, 706 Pennington Street, Houston, TX, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 12, 1950, in the U.S. District Court for the Southern District of Texas, Houston Division, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Paul Keith Shaw because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Paul Keith Shaw to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Paul Keith Shaw's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered,* That Paul Keith Shaw be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 13th day of November 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 70-15916; Filed, Nov. 25, 1970; 8:48 a.m.]

LAURENCE MICHAEL YUNK

Notice of Granting of Relief

Notice is hereby given that Laurence Michael Yunk, Marchek Ranch, Route 1, Harper, OR 97906, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 14, 1966, in the Circuit Court of the State of Oregon, for the County of Malheur, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Laurence Michael Yunk because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Laurence Michael Yunk to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Laurence Michael Yunk's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered,* That Laurence Michael Yunk be, and he hereby is granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 16th day of November 1970.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[F.R. Doc. 70-15917; Filed, Nov. 25, 1970; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S-2701 A]

CALIFORNIA

Notice of Classification of Public Lands for Multiple-Use Management

NOVEMBER 20, 1970.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–18) and to the regulations in 43 CFR Parts 2420 and 2460, the public lands in paragraph 3 are hereby classified for multiple-use management. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice has the effect of segregating (a) all the public lands described in paragraph 3 from appropriation only under the agricultural lands laws (43 U.S.C. Chapters 7 and 9; 25 U.S.C., section 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171) and (b) the land described in paragraph 4 from appropriation under the mining laws (30 U.S.C. Chapter 2). The lands shall remain open to all other applicable forms of appropriation.

3. The public lands are located within the following described areas of Humboldt and Trinity Counties. For the purpose of this classification, the area has been separated into blocks, each of which has been analyzed in detail and described in documents and maps available for inspection at the Ukiah District Office, 168 Washington Avenue, Ukiah, CA 95482, and on the records in the Sacramento Land Office, 2300 Cottage Way, Sacramento, CA 95825. The overall description of the areas is as follows:

HUMBOLDT COUNTY, CALIFORNIA

HUMBOLDT MERIDIAN

Block A

All public lands in:
T. 1 N., R. 3 E.,
Sec. 15.
T. 1 N., R. 4 E.,
Secs. 1, 12, 23, and 27.
T. 2 N., R. 4 E.,
Secs. 1, 2, 18, 25, and 26.
T. 2 N., R. 5 E.,
Secs. 5, 7, 17, and 18.
T. 1 N., R. 1 W.,
Sec. 34.
T. 1 S., R. 1 W.,
Secs. 2, 5, 6, 8, 10, 13, 14, and 24.
T. 2 S., R. 1 W.,
Secs. 4, 10, 11, 13, 14, 21, 22, and 24
T. 3 S., R. 1 W.,
Secs. 10 to 12 inclusive.
T. 2 S., R. 2 W.,
Secs. 14, 23, and 31.
T. 1 S., R. 1 E.,
Secs. 5 to 7 inclusive;
Secs. 19, 21, 22, 32, and 33.
T. 2 S., R. 1 E.,
Secs. 15 and 33.
T. 3 S., R. 1 E.,
Secs. 20, 27, 34, and 35.
T. 4 S., R. 1 E.,
Sec. 25.
T. 3 S., R. 2 E.,
Secs. 20, 22, 28, and 35.
T. 4 S., R. 2 E.,
Secs. 27, 30, and 35.
T. 5 S., R. 2 E.,
Sec. 4.
T. 1 S., R. 3 E.,
Secs. 4 and 26.
T. 3 S., R. 3 E.,
Secs. 21 and 22.
T. 5 S., R. 3 E.,
Secs. 10 and 11.
T. 1 S., R. 4 E.,
Sec. 30.
T. 2 S., R. 4 E.,
Secs. 10, 11, 15, 26, and 35.
T. 4 S., R. 4 E.,
Secs. 21 and 25.
T. 1 S., R. 5 E.,
Secs. 10 and 15.
T. 2 S., R. 5 E.,
Secs. 3, 22, and 25.
T. 4 S., R. 5 E.,
Secs. 15, 22, 27, 33, and 34.
T. 5 S., R. 5 E.,
Secs. 2 to 4 inclusive;
Secs. 6 to 8 inclusive;
Secs. 17 to 20 inclusive.

TRINITY COUNTY, CALIFORNIA

HUMBOLDT MERIDIAN

T. 3 S., R. 6 E.,
Secs. 6 and 33.
T. 4 S., R. 6 E.,
Secs. 7 and 33.
T. 5 S., R. 6 E.,
Secs. 3, 9, and 27.
T. 4 S., R. 7 E.,
Secs. 4, 20, and 21.

Except the following public lands:

HUMBOLDT COUNTY, CALIFORNIA

HUMBOLDT MERIDIAN

T. 1 N., R. 4 E.,
Sec. 27, NW¼NW¼.
T. 1 S., R. 1 W.,
Sec. 5, lots 3 and 4.
T. 4 S., R. 1 E.,
Sec. 25, lot 5, and SW¼NW¼, S½SW¼.

HUMBOLDT COUNTY, CALIFORNIA

HUMBOLDT MERIDIAN

Block B

All public lands in:
T. 3 N., R. 3 E.,
Sec. 10.
T. 4 N., R. 3 E.,
Sec. 7.
T. 7 N., R. 3 E.,
Secs. 5 and 10.
T. 8 N., R. 3 E.,
Sec. 33.
T. 5 N., R. 4 E.,
Sec. 25.
T. 6 N., R. 4 E.,
Secs. 19 and 30.
T. 7 N., R. 4 E.,
Sec. 18.
T. 9 N., R. 4 E.,
Sec. 1.
T. 10 N., R. 4 E.,
Sec. 29.

Except the following public lands:

HUMBOLDT COUNTY, CALIFORNIA

HUMBOLDT MERIDIAN

T. 3 N., R. 3 E.,
Sec. 10, SW¼NW¼.
T. 9 N., R. 4 E.,
Sec. 1, lots 1, 8, 13, 14, and 16, W½SW¼NE¼, SE¼NE¼.

The public lands being classified aggregate approximately 8,401.36 acres.

4. As provided in paragraph 2, the following lands are segregated from appropriation under the mining laws (totaling approximately 43.40 acres):

HUMBOLDT COUNTY, CALIFORNIA

HUMBOLDT MERIDIAN

Block A

T. 2 S., R. 2 W.,
Sec. 31, N½ lot 2 of SW¼.

5. For a period of 30 days after publication of the classification in the FEDERAL REGISTER, the classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3.

J. R. PENNY,
State Director.

[F.R. Doc. 70-15888; Filed, Nov. 25, 1970; 8:46 a.m.]

[R-1390-A]

CALIFORNIA

Notice of Classification of Public Lands for Transfer Out of Federal Ownership

NOVEMBER 20, 1970.

1. The following public lands are hereby classified for transfer out of Federal ownership by private exchange under section 8 of the Taylor Grazing

Act (48 Stat. 1272), as amended (43 U.S.C., 315g):

SAN BERNARDINO MERIDIAN, CALIFORNIA

RIVERSIDE AND IMPERIAL COUNTIES

T. 3 S., R. 3 E.,
Sec. 6, E½SW¼SE¼, NW¼SE¼SE¼, W½SW¼SE¼SE¼, NE¼SW¼SE¼SE¼, N½SE¼SW¼SE¼SE¼, and NW¼SE¼SE¼SE¼;
Sec. 18, lots 3 and 10;
Sec. 20, W½NE¼, NW¼, and W½SW¼;
Sec. 22, N½SE¼SE¼;
Sec. 36, NE¼NW¼, SW¼NW¼, SW¼SW¼, and NW¼SE¼.

T. 2 S., R. 4 E.,
Sec. 8, W½NE¼, and NW¼;
Sec. 14, all public lands in NW¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 18, all public lands in lots 1 and 2 of SW¼, SE¼NE¼, and SE¼.

T. 3 S., R. 4 E.,
Sec. 30, lots 4 to 7, inclusive, and NW¼SE¼;
Sec. 32, lots 1 to 7, inclusive, W½NE¼SE¼NW¼, W½SE¼NW¼, SE¼SE¼NW¼, NE¼SW¼, and N½SE¼.

T. 2 S., R. 5 E.,
Sec. 20, all public lands in NE¼, NE¼NW¼, N½NW¼NW¼, SE¼NW¼NW¼, E½SW¼NW¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 26, that portion of section lying south of the Colorado River Aqueduct;
Sec. 28, N½, N½SW¼, N½NW¼SW¼SW¼, SE¼NW¼SW¼SW¼, NE¼SW¼SW¼, N½SE¼SW¼SW¼, N½SE¼SW¼, N½SW¼SE¼SW¼, N½SE¼SE¼SW¼, SE¼SE¼SE¼SW¼, and SE¼;
Sec. 36, all public lands lying southwest of the Colorado River Aqueduct.

T. 3 S., R. 5 E.,
Sec. 12, S½ of lots 29, 30, and 31, N½ of lots 34 and 35, and lot 33;
Sec. 28, E½NE¼NE¼, E½W½NE¼NE¼, W½NE¼SE¼NE¼, E½NW¼SE¼NE¼, S½SE¼NE¼, E½NE¼NE¼SE¼, W½NE¼SE¼, SE¼NE¼SE¼, NE¼NW¼SE¼, E½NW¼NW¼SE¼, S½NW¼SE¼, NE¼SW¼SE¼, and SE¼SE¼;
Sec. 30, NE¼NE¼;
Sec. 32, N½NE¼, SE¼NE¼.

T. 5 S., R. 5 E.,
Sec. 8, NW¼ and S½;
Sec. 16;
Sec. 20, E½W½ and E½;
Secs. 28 and 32.

T. 6 S., R. 5 E.,
Sec. 4, W½.

T. 3 S., R. 6 E.,
Sec. 4, that portion of SW¼SW¼ lying south of the Colorado River Aqueduct;
Sec. 6, lots 8, 9, 10, 11, and 12;
Sec. 8, NE¼, NE¼SE¼, N½NW¼SE¼, and S½SE¼;
Sec. 10, all public lands lying south of the Colorado River Aqueduct;
Sec. 24.

T. 5 S., R. 6 E.,
Sec. 26, lots 1 and 2, S½NE¼, N½SE¼;
Sec. 30, lots 3 to 10, 22 to 25, and 30 to 32, inclusive, lots 55, 56, 60, 63, and 64.

T. 6 S., R. 6 E.,
Sec. 6, NW¼SE¼ and S½SE¼.

T. 3 S., R. 7 E.,
Sec. 20, all public lands lying south of the Colorado River Aqueduct;
Sec. 28, all public lands lying south of the Colorado River Aqueduct;
Sec. 30, lots 5 to 16, inclusive, N½N½NE¼, N½NE¼NW¼, SW¼NE¼NW¼, and NW¼SE¼NW¼;
Sec. 34, all public lands lying south of the Colorado River Aqueduct.

T. 4 S., R. 7 E.,
Sec. 2, lots 2, 3, and 4, SW¼NE¼, S½NW¼, and S½;
Sec. 10, N½SW¼SW¼NW¼;
Sec. 12.

T. 4 S., R. 8 E.,
Sec. 32, NE¼SE¼.

T. 6 S., R. 8 E.,
Sec. 2, E½ of lot 2 of NE¼.

T. 10 S., R. 9 E.,
Sec. 24, E½.

T. 16 S., R. 9 E.,
Sec. 25, lots 3 and 4, and lots 1, 2, 5, and 6 of Tract 53;
Sec. 26, lots 12, 13, 14, and 15 of Tract 55;
Sec. 27, lots 20, 21, and 22 of Tract 57;
Sec. 34, lots 1, 2, 10, and 11 of Tract 67, lots 3, 4, and 5 of Tract 65, lot 6 of Tract 64, lots 7, 8, and 9 of Tract 66;
Sec. 35, lots 4 and 5 of Tract 67.

T. 7 S., R. 10 E.,
Sec. 22, S½NW¼SW¼.

T. 11 S., R. 10 E.,
Sec. 2, SE¼SW¼ and N½SE¼.

T. 16 S., R. 10 E.,
Sec. 28, lots 5, 18, 19, 20, and Tract 43;
Sec. 29, lots 6, 7, 13, and 14;
Sec. 30, lots 3, 5, 9, 10, 20, 22, 24, and 26 of Tract 61, and lots 4, 6, 13, 14, 15, 16, 17, and 25 of Tract 60;
Sec. 31, lots 15, 16, 21, and 22, SE¼SW¼, Tract 64, and lots 23 and 24, of Tract 50;
Sec. 32, lots 4, 11, and 12, of Tract 50;
Sec. 33, lots 4, 5, 6, 7, 13, 14, and 15.

T. 16½ S., R. 10 E.,
Sec. 4, lot 3;
Sec. 6, lots 2, 3, 4, 5, 11, 12, 13, 14, 16, and 17, SE¼NE¼, E½SE¼, and NW¼NW¼SE¼.

T. 8 S., R. 11 E.,
Sec. 8, N½ and SW¼;
Sec. 12, E½;
Sec. 14, S½;
Sec. 22;
Sec. 24, E½.

T. 9 S., R. 11 E.,
Sec. 2, S½.

T. 8 S., R. 12 E.,
Sec. 18, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼, and E½;
Sec. 30, lots 1 and 2 of SW¼, and SE¼;
Sec. 32, NE¼ and S½;
Sec. 34, N½.

T. 9 S., R. 12 E.,
Sec. 2, E½SE¼SW¼, S½NE¼SE¼, S½SE¼;
Sec. 4, W½, S½SE¼;
Sec. 6;
Sec. 8, E½;
Sec. 10, SW¼SW¼;
Sec. 14, S½NW¼;
Sec. 18, lots 1 and 2 of NW¼, lots 1 and 2 of SW¼ and E½;
Sec. 20;
Sec. 24.

T. 9 S., R. 13 E.,
Sec. 28;
Sec. 32, N½;
Sec. 34.

T. 10 S., R. 13 E.,
Sec. 10, E½NE¼.

T. 14 S., R. 13 E.,
Sec. 14, lots 3 and 8, and W½ of Tract 80;
Sec. 23, lots 1, 3, 4, and 5;
Sec. 26, lots 1 and 2, and NE¼ of Tract 85;
Sec. 34, lot 6.

The above described lands aggregate 24,016 acres.

2. The following public lands are hereby classified for transfer out of Federal ownership by public sale under section 2455 of the Revised Statutes (43 U.S.C. 1171):

SAN BERNARDINO MERIDIAN, CALIFORNIA

RIVERSIDE AND IMPERIAL COUNTIES

T. 15 S., R. 12 E.,
Sec. 13, lots 7 and 8, and S½ of Tract 206;
Sec. 35, lots 2 and 3, SW¼NE¼, and S½NW¼.

T. 16 S., R. 12 E.,
Sec. 2, lot 4;
Sec. 3, lot 4;
Sec. 10, E½NE¼;
Sec. 11, that portion of the W½ of Tract 63 located in sec. 11;
Sec. 14, that portion of the W½ of Tract 63 located in sec. 14;
Sec. 16, lot 1;
Sec. 23, Tract 58.

T. 15 S., R. 13 E.,
Sec. 3, lot 2;
Sec. 5, Tract 149;
Sec. 6, lots 7 and 8, and NW¼SE¼.

T. 16 S., R. 13 E.,
Sec. 20, lot 5;
Sec. 21, lots 30 and 32;
Sec. 28, lot 2;
Sec. 30, lot 29;
Sec. 31, lot 39;
Sec. 32, lot 27;
Sec. 33, lot 20;
Sec. 35, lot 33;
Sec. 36, lot 53.

T. 16 S., R. 14 E.,
Sec. 31, E½ of Tract 292;
Sec. 32, lots 1 and 2;
Sec. 33, lots 1 and 2;
Sec. 34, lot 1;
Sec. 36, lot 2.

T. 14 S., R. 15 E.,
Sec. 7, W½E½ of Tract 171;
Sec. 24, lot 20;
Sec. 25, lot 1.

T. 14 S., R. 16 E.,
Sec. 2, lot 4;
Sec. 14, SE¼SW¼;
Sec. 23, E½NW¼.

T. 15 S., R. 16 E.,
Sec. 2, lots 8 and 9;
Sec. 11, lot 1 and NE¼NW¼;
Sec. 14, lot 6;
Sec. 16, lot 30;
Sec. 21, lots 1 and 16.

T. 16 S., R. 16 E.,
Sec. 1, lot 4, and lots 5 and 6 of Tract 99.

T. 5 S., R. 7 E.,
Sec. 30, N½ of lot 2 of SW¼.

The lands described aggregate approximately 1,168 acres.

3. Many constructive comments were received following publication of the notice of proposed disposal classification, R–1390–A (34 F.R. 6017), and at the public hearing held on April 10, 1969, in Indio, Calif. As a result of the comments and subsequent review of the classification, and since the Public Land Sale Act will expire on December 31, 1970, most of the above lands are classified differently from the proposed notice. The changes include placing most of the lands under an exchange classification.

4. As a result of comments following the hearing on April 10, 1969, the below described lands have been deleted from disposal classification. Some of the parcels have been classified for multiple use management under Notice R–1390. The effect of the proposed disposal classification R–1390–A is hereby terminated on the below described lands:

SAN BERNARDINO MERIDIAN, CALIFORNIA

RIVERSIDE AND IMPERIAL COUNTIES

T. 3 S., R. 3 E.,
Sec. 2, lots 1 and 4, SE¼NE¼, S½NW¼, and all lands in S½;
Sec. 4, portion of section south of Colorado River Aqueduct;
Sec. 10, N½N½N½, S½NW¼NE¼, SW¼NE¼NE¼, N½SE¼NE¼NE¼, NE¼NW¼, N½NW¼NW¼, E½SE¼NW¼NW¼, E½NE¼SW¼NW¼, W½NW¼SE¼NW¼.
T. 2 S., R. 5 E.,
Sec. 18, all public lands in lots 1 to 4, inclusive, NE¼, E½W½, N½SE¼, and SW¼SE¼.
Sec. 34, all public lands in N½N½ and S½NE¼.
T. 3 S., R. 5 E.,
Sec. 34, NE¼, E½NW¼, NE¼SE¼.
T. 5 S., R. 5 E.,
Sec. 26.
T. 3 S., R. 6 E.,
Sec. 14, all public lands lying south of the Colorado River Aqueduct.
T. 4 S., R. 6 E.,
Sec. 6, lots 3 to 7, inclusive, lot 2 of SW¼, SE¼NW¼.
T. 4 S., R. 7 E.,
Secs. 20, 22, and 26.
T. 5 S., R. 7 E.,
Sec. 2, lots 3, 6 and 7, and lots 1 and 2 of NW¼, SW¼NW¼NE¼, and S½SW¼NE¼.
T. 8 S., R. 11 E.,
Sec. 18, lots 1 and 2 of NW¼, and SE¼;
Sec. 20, N½SE¼, N½;
Sec. 28, NE¼.
T. 9 S., R. 11 E.,
Sec. 14, NE¼;
Sec. 24, NE¼.
T. 9 S., R. 12 E.,
Sec. 28, NE¼, and N½SW¼.
T. 12 S., R. 12 E.,
Sec. 32, SW¼SW¼.
T. 13 S., R. 12 E.,
Sec. 9, lot 1, S½NE¼, and SE¼;
Sec. 10, SE¼SW¼;
Sec. 15, W½;
Sec. 25, SW¼SE¼.
T. 10 S., R. 14 E.,
Sec. 28, NE¼SE¼.
T. 11 S., R. 14 E.,
Sec. 12, NE¼NE¼.
T. 14 S., R. 14 E.,
Sec. 29, lots 19 and 20.
T. 13 S., R. 16 E.,
Sec. 5, lots 3, 6, and 18;
Sec. 9, W½SW¼;
Sec. 34, SW¼NE¼, and NE¼SE¼.
T. 15 S., R. 16 E.,
Sec. 14, W½SE¼.

5. Publication of this notice segregates the affected lands from all forms of disposal under the public land laws, including the mining laws, except the form or forms of disposal for which the lands are classified. However, publication does not alter the applicability of the public lands laws governing the use of the lands under lease, license, or permit, or governing the disposal of their minerals or vegetative resources, other than under the mining laws.

6. For a period of 30 days interested parties may submit comments to the Secretary of the Interior, LLM, 321, Washington, DC 20240.

J. R. PENNY,
State Director.

[F.R. Doc. 70-15889; Filed, Nov. 25, 1970; 8:46 a.m.]

[S-965]

CALIFORNIA

Notice of Amendment to Final Classification of Public Lands for Multiple-Use Management

NOVEMBER 20, 1970.

The notice appearing in F.R. Doc. 68-664, pages 704 and 705 of the issue of January 19, 1968, is changed as follows:

Paragraph 4: Add the following described lands to provide for their segregation from application under all land laws, including the mining and mineral leasing laws, totaling approximately 1,500 acres of public lands:

MOUNT DIABLO MERIDIAN, CALIFORNIA

SAN BENITO COUNTY

All public lands in:
T. 18 S., R. 12 E.,
Sec. 4, NW¼SW¼, S½SW¼, and SW¼SE¼;
Sec. 5, lots 5 and 12;
Sec. 9, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 18, 19, 20, and NE¼;
Sec. 10, lots 4, 5, 6, and 7, S½SW¼NW¼NW¼, SW¼NW¼, S½NE¼SE¼NW¼, NW¼NW¼SE¼NW¼, S½NW¼SE¼NW¼, S½SE¼NW¼, S½SW¼, and SE¼SE¼;
Sec. 14, lots 2 and 3, and NW¼.

All the afore-described lands are found to have high scientific, natural, and recreational values. The lands require the protection afforded by the above segregations to maintain the natural environment. Public comments and the record of public discussion on the additional segregations are of record in the Folsom District Office.

For a period of 30 days from date of publication of this Notice of Amendment in the FEDERAL REGISTER, the classification amendment shall be subject to the exercise of administrative review and modification by the Secretary of the Interior.

J. R. PENNY,
State Director, Bureau of Land Management, Department of the Interior.

[F.R. Doc. 70-15920; Filed, Nov. 25, 1970; 8:48 a.m.]

[R-2755]

CALIFORNIA

Notice of Classification of Public Lands for Transfer Out of Federal Ownership

NOVEMBER 20, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1412) and to the regulations in 43 CFR Parts 2410 and 2460, the public lands described in paragraph 3 are hereby classified for transfer out of Federal ownership by State Indemnity Selection (43 U.S.C. 851, 852), to facilitate the State park expansion program in the Redrock Canyon area.

2. No adverse comments were received following publication of the notice of proposed classification (35 F.R. 14331) on September 11, 1970. The record showing comments received and other information is available for inspection in the Bakersfield District Office, Bureau of Land Management, 800 Truxton Avenue, Bakersfield, CA 93301.

3. The public lands being classified are described as follows:

MOUNT DIABLO MERIDIAN

KERN COUNTY

T. 29 S., R. 37 E.,
Sec. 21, lot 16;
Sec. 22, lots 13 to 16, inclusive;
Sec. 23, lots 1, 2, and 7 to 16, inclusive;
Sec. 24, lots 1 to 16, inclusive;
Sec. 25, all;
Sec. 26, all;
Sec. 27, lots 1 to 4, inclusive, and S½N½;
Sec. 28, lots 1, 8, 9, and 16;
Sec. 33, lot 1;
Sec. 34, lots 1 to 4, inclusive;
Sec. 35, NE¼NE¼ and S½NE¼.
T. 30 S., R. 37 E.,
Sec. 1, lots 5 to 20, inclusive;
Sec. 2, E½SE¼NE¼, SW¼NW¼, W½SW¼, W½NE¼SW¼, SE¼SW¼, and E½SE¼;
Sec. 3, lots 5, 6, and 7;
Sec. 4, lot 5, SE¼NE¼, and E½SE¼;
Sec. 10, W½W½, E½SW¼, and S½SE¼;
Sec. 11, lots 2 to 10, inclusive;
Sec. 12, E½, E½NW¼, NW¼NW¼, N½SW¼, and SE¼SW¼;
Sec. 14, W½NE¼, SE¼NE¼, NW¼, and N½S½;
Sec. 15, lots 1, 2, 3, 4, W½NE¼, SE¼NW¼, E½SW¼, SW¼SW¼, and W½SE¼;
Tract 44, lots a, b, and c.
T. 29 S., R. 38 E.,
Sec. 19, lots 1 to 4, inclusive, E½, E½NW¼, and E½SW¼.

The public lands aggregate approximately 7,163.92 acres.

4. Publication of this notice has the effect of segregating the described public lands from all forms of disposal under the public land laws, including the mining laws, except the form of disposal for which the lands are classified. However, publication does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or govern the disposal of their vegetative resources, other than under the mining laws.

5. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240.

J. R. PENNY,
State Director.

[F.R. Doc. 70-15921; Filed, Nov. 25, 1970; 8:48 a.m.]

[C-2285]

COLORADO

Notice of Classification of Public Lands for Multiple-Use Management

NOVEMBER 20, 1970.

F.R. Doc. 70-14843 appearing in the issue for November 5, 1970, at page 17064

is hereby amended to delete the following land:

UTE PRINCIPAL MERIDIAN, COLORADO

T. 4 S., R. 3 E.,
Sec. 36, N½.

E. I. ROWLAND,
State Director.

[F.R. Doc. 70-15890; Filed, Nov. 25, 1970; 8:46 a.m.]

[Serial No. I-2837]

IDAHO

Notice of Classification of Public Lands in Bennett Hills Area for Multiple-Use Management

NOVEMBER 20, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–180), and to the regulations in 43 CFR Parts 2410 and 2426, lands within the area described below are hereby classified for multiple-use management. Publication of this notice has the effect of segregating the public domain lands from appropriation only under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171); and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws, with the exception of the lands described in paragraph 6 of this notice, which are further segregated from the operations of the general mining laws (30 U.S.C., Chapter 2). As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. The notice of proposed classification was published in the FEDERAL REGISTER on July 16, 1970, and was publicized through the news media and by letter to interested parties. A public hearing was held on July 21, 1970, in Shoshone, Idaho. As a result of this meeting and publicizing of the notice, a good response was received during the 60-day period. While most of the individuals and/or organizations were in favor of the proposed classification, a number of the responses were in opposition to it. All of the comments were carefully considered and evaluated. The main concern of this opposition was that some potentially irrigable lands were being included within the multiple-use classification area. While it is recognized that some of the lands do have potential for agricultural development, the water and economic situation makes these lands submarginal from the development standpoint. If conditions change through technology or other new developments, the lands can be reclassified where appropriate. The request for this reclassification action can be made by any individual, organization, or agency.

3. As a result of the comments received, some of the lands included in the notice of proposed classification are being deleted from this classification. The segregative effect of the notice of proposed classification is hereby terminated as to the following described lands:

BOISE MERIDIAN, IDAHO

TYPE I

Blaine County

T. 1 S., R. 18 E.,
Sec. 31, lot 16.

Gooding County

T. 4 S., R. 12 E.,
Sec. 30, lot 4, SE¼SW¼, and S½SE¼;
Sec. 31;
Sec. 32, SW¼SW¼;
Sec. 34, SE¼;
Sec. 35, NE¼SE¼ and S½SE¼.
T. 5 S., R. 12 E.,
Sec. 1;
Sec. 2, lots 1 and 2, SE¼NE¼, S½S½, and NE¼SE¼;
Sec. 6, lots 1, 2, 3, and 4;
Sec. 10, E½W½ and SE¼;
Secs. 11 to 14, inclusive;
Sec. 15, NE¼, N½SE¼, and SE¼SE¼;
Sec. 22, NE¼NE¼;
Sec. 23, NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, and N½SE¼;
Sec. 24, N½ and N½S½.
T. 4 S., R. 13 E.,
Sec. 26, lots 3 to 7, inclusive, NE¼SW¼, and N½SE¼;
Sec. 27, SE¼;
Sec. 31, lots 3 and 4, E½SW¼, and W½SE¼;
Sec. 33, SE¼;
Secs. 34 and 35.
T. 5 S., R. 13 E.,
Secs. 1 and 2;
Sec. 3, lots 1, 2, and 3, S½NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, and SE¼;
Sec. 4, lots 3 and 4, S½NW¼, and W½SW¼;
Sec. 5, lots 1, 2, and 3, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 6, lots 2 to 7, inclusive, SW¼NE¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 7, lots 1 to 4, inclusive;
Sec. 8, NE¼, E½NW¼, and S½;
Sec. 9, SW¼NW¼ and W½SW¼;
Sec. 12, N½;
Sec. 17, N½NE¼ and W½;
Sec. 18, lots 1 to 4, inclusive, and E½E½;
Sec. 19, lots 1 to 4, inclusive, and E½E½;
Sec. 20, S½NE¼, W½, N½SE¼;
Sec. 29, SW¼NE¼, NW¼NW¼, and SE¼NW¼;
Sec. 30, lot 1 and NE¼NE¼.
T. 5 S., R. 14 E.,
Sec. 10, S½NW¼.
T. 4 S., R. 16 E.,
Sec. 30, lot 3, NE¼SW¼, and NW¼SE¼.

Jerome County

T. 7 S., R. 16 E.,
Sec. 15, N½, N½S½, and S½SW¼.
T. 7 S., R. 17 E.,
Sec. 13, W½SE¼.
T. 9 S., R. 17 E.,
Sec. 14, S½N½ and S½;
Sec. 15, S½N½ and S½;
Sec. 20, E½NE¼ and N½SE¼;
Secs. 21 to 23, inclusive;
Sec. 24, E½;
Secs. 25 and 26;
Sec. 28, N½NE¼, SE¼NE¼, and NE¼NW¼.
T. 7 S., R. 18 E.,
Sec. 18, lot 1 and NW¼NE¼;
Sec. 31, lots 3 and 4.
T. 8 S., R. 18 E.,
Sec. 25, E½SE¼.
T. 9 S., R. 18 E.,
Sec. 12, S½S½ and NE¼SE¼;
Sec. 13;
Sec. 14, E½E½, S½SW¼, and SW¼SE¼;
Sec. 15, W½ and S½SE¼;
Sec. 16, NE¼NE¼;
Secs. 19 to 24, inclusive;
Sec. 25, NE¼, N½NE¼NW¼, SW¼NE¼NW¼, W½NW¼, NW¼SE¼NW¼, S½SE¼NW¼, SW¼, N½SE¼, and SW¼SE¼;
Secs. 26 and 27;
Sec. 28, N½ and N½SW¼;
Sec. 29, N½, N½S½, and S½SW¼;
Sec. 30;
Sec. 31, lots 1, 4, and 5, N½NE¼, and NE¼NW¼;
Sec. 34, NW¼NE¼, NW¼, and N½SW¼.
T. 9 S., R. 19 E.,
Sec. 4, SW¼SE¼;
Sec. 6, lot 7, E½SW¼ and N½SE¼;
Sec. 7, lots 1 to 4, inclusive, SW¼NE¼, SE¼NW¼, and E½SW¼;
Sec. 8, S½S½ and NE¼SE¼;
Sec. 9, W½NE¼ and S½;
Sec. 10, SW¼NW¼, W½SW¼, SE¼SW¼, and SE¼SE¼;
Sec. 11, S½S½, S½NE¼SW¼, S½NW¼SE¼, and S½S½NW¼SW¼;
Secs. 13, 14, 15, and 17;
Sec. 18, lots 1 to 4, inclusive, S½NE¼, E½NW¼, E½SW¼; and SE¼;
Sec. 19;
Sec. 20, N½, SW¼, and NW¼SE¼;
Sec. 21, NW¼ and N½S½;
Sec. 22, E½ and N½NW¼;
Secs. 23 and 24;
Sec. 25, N½, SW¼, and W½SE¼;
Sec. 26, NE¼, N½NW¼, SE¼NW¼, and N½SE¼;
Sec. 29, N½NW¼;
Sec. 30, lot 1 and NE¼NW¼.
T. 9 S., R. 20 E.,
Sec. 8, NE¼, E½E½NE¼SW¼, S½SW¼, and W½SE¼;
Sec. 17, W½;
Sec. 18, lots 3 to 8, inclusive, S½NE¼, SE¼NW½, E½SW¼, and SE¼;
Secs. 19 and 20;
Sec. 21, SW¼;
Sec. 24, S½SE¼;
Sec. 25, N½NE¼, SW¼NE¼, E½NW¼, SW¼NW¼, N½SW¼, SW¼SW¼, and NW¼SE¼;
Sec. 26, S½N½, S½;
Secs. 27 to 30, inclusive (all Federal land in these sections);
Sec. 35 (all Federal land in this section).
T. 9 S., R. 21 E.,
Secs. 18 and 19 south of Canal.

Lincoln County

T. 5 S., R. 19 E.,
Sec. 7, lot 4;
Sec. 8, lot 1.

Minidoka County

T. 8 S., R. 22 E.,
Sec. 19, SE¼NE¼ and NE¼SE¼.

TYPE II

Blaine County

T. 1 S., R. 21 E.,
Sec. 28, SW¼NW¼, W½SW¼, and SE¼SW¼;
Sec. 33, NE¼NW¼.

The public lands in the area described above aggregate approximately 42,366.64 acres.

4. The public record on this classification is available for inspection at the Shoshone District Office, Bureau of Land Management, Shoshone, Idaho, and the

Idaho State Office, Bureau of Land Management, 550 West Fort Street, Boise, ID.

5. The public lands involved in this classification are located within the areas described as follows:

BOISE MERIDIAN, IDAHO

TYPE I

Blaine County

T. 1 S., R. 17 E.,
Secs. 24, 25, and 36.
T. 2 S., R. 17 E.,
Secs. 1 and 12.
T. 1 S., R. 18 E.,
Secs. 4 to 8, inclusive;
Secs. 17 to 30, inclusive;
Sec. 31, lots 1, 2, 5, 8, 9, 12, 13, 14, and 15, NE¼, E½NW¼, E½SE¼, E½SW¼SE¼, NW¼SW¼SE¼;
Secs. 32 to 35, inclusive.
T. 2 S., R. 18 E.,
All.
T. 1 S., R. 19 E.,
Secs. 19 to 25, inclusive;
Sec. 28, SW¼SE¼;
Secs. 30 to 36, inclusive.
T. 2 S., R. 19 E.,
All.
T. 1 S., R. 20 E.,
Sec. 29, W½SW¼;
Sec. 30, lots 2, 3, and 4, E½SW¼, and SE¼;
Secs. 31 to 35, inclusive.
T. 2 S., R. 20 E.,
All.
T. 2 S., R. 21 E.,
Sec. 18, lots 3 and 4, E½SW¼, and SE¼;
Secs. 19 to 30, inclusive;
Sec. 31, lot 1.

Camas County

T. 2 S., R. 12 E.,
Sec. 19, lots 2, 3, and 4, E½SW¼, and SE¼;
Sec. 20, SW¼;
Sec. 24, S½SW¼;
Sec. 25, S½NE¼, W½, and SE¼;
Sec. 26, NE¼SW¼, S½SW¼, and SE¼;
Sec. 27, S½N½, and S½;
Sec. 28, S½NE¼, W½, and SE¼;
Secs. 29 and 30;
Secs. 32 to 36, inclusive.
T. 2 S., R. 13 E.,
Sec. 8, SW¼NE¼, W½NW¼, SE¼NW¼, and W½SE¼;
Sec. 13, S½N½ and S½;
Sec. 17;
Sec. 19, lot 1, SE¼NE¼, NE¼SE¼, and S½SE¼;
Sec. 20, lot 4, SW¼NW¼, W½SW¼, SE¼SW¼, and S½SE¼;
Sec. 21, NE¼SW¼ and S½S½;
Sec. 22, S½SW¼;
Secs. 24 and 25;
Sec. 26, E½;
Sec. 27, W½NE¼, W½, NW¼SE¼, and S½SE¼;
Secs. 28 to 36, inclusive.
T. 2 S., R. 14 E.,
Sec. 4, lot 2, S½NE¼, E½SW¼, and SE¼;
Sec. 6, SW¼SE¼;
Sec. 7, NE¼, E½NW¼, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 8, S½NE¼, W½NW¼, SE¼NW¼, and S½;
Sec. 9;
Sec. 11, SW¼NE¼, SE¼SW¼, and W½SE¼;
Sec. 12, E½E½;
Sec. 13, E½E½;
Sec. 14, W½NE¼, E½W½, and SE¼;
Sec. 15, W½E½, W½;
Secs. 16 and 17;
Sec. 18, lots 2, 3, and 4, NE¼, SE¼NW¼, E½SW¼, and SE¼;
Secs. 19 to 21, inclusive;
Sec. 22, W½NE¼, W½, NW¼SE¼, and S½SE¼;
Sec. 23, E½, E½W½, SW¼SW¼;
Sec. 24, E½NE¼ and S½;
Secs. 25 to 36, inclusive.
T. 1 S., R. 15 E.,
Sec. 26, SE¼SW¼ and S½SE¼;
Sec. 27, E½SE¼ and SW¼SE¼;
Sec. 33, SE¼SW¼ and S½SE¼;
Sec. 34, E½, E½SW¼, and SW¼SW¼;
Sec. 35.
T. 2 S., R. 15 E.,
Secs. 1, 2, and 3;
Sec. 4, lots 1, 2, and 3, S½NE¼, SE¼NW¼, and S½;
Sec. 5, SW¼NW¼, NW¼SW¼, S½S½, and NE¼SE¼;
Sec. 6, SE¼SW¼ and S½SE¼;
Secs. 7 to 36, inclusive.
T. 1 S., R. 16 E.,
Sec. 13, NW¼SW¼ and S½S½;
Sec. 14, NW¼SW¼, S½S½, and NE¼SE¼;
Sec. 15, SE¼NW¼, NE¼SW¼, S½SW¼, and SE¼;
Sec. 17, S½;
Sec. 18, N½SE¼ and SE¼SE¼;
Sec. 19, NE¼NE¼;
Secs. 20 to 28, inclusive;
Sec. 29, E½ and N½NW¼;
Secs. 31 to 36, inclusive.
T. 2 S., R. 16 E.,
All.
T. 1 S., R. 17 E.,
Secs. 14 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 2 S., R. 17 E.,
Secs. 2 to 11, inclusive;
Secs. 13 to 36, inclusive.

Elmore County

T. 3 S., R. 10 E.,
Sec. 1, lots 1 and 2, S½NE¼, and SE¼;
Sec. 12, NE¼.
T. 4 S., R. 10 E.,
Sec. 25, NE¼, S½NW¼, and S½;
Sec. 26, S½NE¼, SE¼NW¼, and S½;
Sec. 27, E½SE¼ east of King Hill Creek;
Sec. 34, E½NE¼, SW¼NE¼, and NE¼SE¼;
Secs. 35 and 36.
T. 3 S., R. 11 E.,
Sec. 1, lots 1, 2, 3, and 4, S½N½, N½S½, and S½SE¼;
Sec. 2, lots 1, 2, 3, and 4, S½N½, NE¼SW¼, and N½SE¼;
Sec. 3, lot 1, SE¼NE¼ and SW¼SW¼;
Sec. 4, S½SW¼, NW¼SE¼, and S½SE¼;
Sec. 5, S½S½;
Sec. 6, lots 3 to 7, inclusive, SE¼NW¼, E½SW¼, and S½SE¼;
Secs. 7 to 36, inclusive.
T. 4 S., R. 11 E.,
All east of district boundary.
T. 5 S., R. 11 E.,
Secs. 1 to 4, inclusive;
Sec. 5, lots 1 to 4, inclusive, S½N½, and SE¼;
Sec. 6, lot 1;
Sec. 8, lot 3, NE¼, E½NW¼, N½SE¼, and SW¼SE¼;
Secs. 9 to 36, inclusive, north and east of Snake River.
T. 6 S., R. 11 E.,
Secs. 1 to 3, inclusive;
Secs. 9 to 16, inclusive, north and east of Snake River.

Gooding County

T. 3 S., R. 12 E.,
All.
T. 4 S., R. 12 E.,
Secs. 1 to 25, inclusive;
Sec. 26, E½, N½NW¼, and SW¼NW¼;
Sec. 27, N½, SW¼, and NW¼SE¼;
Secs. 28 and 29;
Sec. 30, lots 1, 2, and 3, NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 32, NE¼, N½NW¼, N½SE¼, and SE¼SE¼;
Sec. 33;
Sec. 34, W½;
Sec. 35, N½N½.
T. 5 S., R. 12 E.,
Sec. 4, lots 1 to 4, inclusive;
Sec. 6, lots 5, 6, and 7, SW¼NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7;
Sec. 8, SW¼SW¼;
Sec. 17, NW¼NW¼, S½NW¼, SW¼, and SW¼SE¼;
Sec. 18, lots 1 to 4, inclusive, E½, and E½W½;
Sec. 19, lots 1 to 4, inclusive, E½, and E½W½;
Sec. 20, NE¼, N½NW¼, SE¼NW¼, SW¼, and SE¼SE¼;
Sec. 27, W½SW¼;
Sec. 28, NW¼SW¼ and S½S½;
Secs. 29 to 32, inclusive;
Sec. 33, NW¼NE¼, S½NE¼, W½, and SE¼;
Sec. 34, NW¼SW¼ and S½S½;
Sec. 35, SE¼.
T. 6 S., R. 12 E.,
Secs. 1 to 6, inclusive;
Secs. 7 to 12, inclusive, north of Snake River.
T. 3 S., R. 13 E.,
All.
T. 4 S., R. 13 E.,
Secs. 1 to 20, inclusive;
Sec. 21, lots 3 and 4, N½, N½S½;
Sec. 22, lot 1, N½NE¼, SW¼NE¼, NW¼, and NW¼SW¼;
Secs. 23 to 25, inclusive;
Sec. 26, lots 1 and 2, NE¼, and E½NW¼;
Sec. 27, NE¼, E½NW¼, and SW¼;
Sec. 28, N½SE¼ and SE¼SE¼;
Sec. 29, N½, N½S½, S½SW¼, SW¼SE¼;
Sec. 30, lots 1, 2, 3, and 4, N½NE¼, SW¼NE¼, E½W½, and NW¼SE¼;
Sec. 31, lots 1 and 2, SW¼NE¼, and E½NW¼;
Sec. 33, NE¼NE¼.
T. 5 S., R. 13 E.,
Sec. 9, NE¼NE¼ and E½SE¼;
Secs. 10 and 11;
Sec. 12, S½;
Secs. 13, 14, and 15;
Sec. 17, S½NE¼ and SE¼;
Sec. 20, N½NE¼ and SE¼SE¼;
Secs. 21 to 28, inclusive;
Sec. 29, E½E½;
Sec. 31, lots 3 and 4, E½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 32, N½ and N½S½;
Secs. 33 to 35, inclusive.
T. 6 S., R. 13 E.,
Sec. 1, lots 1 to 4, inclusive, S½N½ and N½S½;
Sec. 2, lots 1 to 4, inclusive, S½N½ and N½S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, N½S½, and SW¼SW¼;
Sec. 4, lots 1 to 4, inclusive, S½N½ and N½SE¼;
Sec. 6, lots 3, 4, and 5, and SE¼NW¼.
T. 3 S., R. 14 E.,
All.
T. 4 S., R. 14 E.,
Secs. 1 to 27, inclusive;
Sec. 28, N½, N½S½, SW¼SW¼, and SE¼SE¼;
Secs. 29 to 32, inclusive;
Sec. 33, E½NE¼;
Sec. 34, N½;
Sec. 35, N½.
T. 5 S., R. 14 E.,
Secs. 5 to 8, inclusive;
Sec. 9, S½N½ and S½;
Sec. 15, S½SW¼;
Secs. 16 to 21, inclusive;
Sec. 22, NW¼NW¼;
Sec. 28, NW¼NE¼ and W½;
Secs. 29 to 32, inclusive;
Sec. 33, W½ and W½SE¼.
T. 6 S., R. 14 E.,
Sec. 4, lots 3 and 4, S½NW¼ and W½SW¼;
Sec. 5, lots 1 to 4, inclusive, S½N½, N½SW¼, and SE¼;

Sec. 6, lots 1 to 6, inclusive, S½NE¼, SE¼NW¼, NE¼SW¼, and N½SE¼.
T. 7 S., R. 14 E.,
Sec. 1, S½SE¼;
Sec. 3, SW¼ and S½SE¼;
Sec. 10, E½, NE¼NW¼, S½NW¼, and NE¼SW¼;
Secs. 11 and 12;
Sec. 13, N½, N½S½, and S½SE¼;
Sec. 14, N½N½, S½NE¼, SE¼NW¼, NE¼SW¼, and N½SE¼;
Sec. 15, NE¼NE¼;
Sec. 24, E½NE¼.
T. 3 S., R. 15 E.,
All.
T. 4 S., R. 15 E.,
Secs. 1 to 24, inclusive;
Sec. 25, N½, N½S½, and S½SW¼;
Secs. 26 to 30, inclusive;
Sec. 31, lots 1 and 2, NE¼, E½NW¼, and N½SE¼;
Secs. 32 to 35, inclusive.
T. 5 S., R. 15 E.,
Sec. 2 lots 1 to 4, inclusive, S½N½ and N½SE¼;
Sec. 3, lots 1 to 4, inclusive, S½N½ and NW¼SE¼;
Sec. 4, lots 1 to 4, inclusive, S½NW¼, NW¼SW¼, and NW¼SE¼;
Sec. 5, lots 1 to 3, inclusive;
Sec. 12, SE¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 13, NE¼, E½NW¼, SW¼NW¼, and S½;
Sec. 14, SE¼NE¼, SW¼NW¼, and S½;
Sec. 15, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 21, SE¼SE¼;
Sec. 22, N½NE¼, SW¼NE¼, and W½;
Sec. 23, E½E½, S½SW¼, and SW¼SE¼;
Sec. 24;
Sec. 25, N½ and N½S½;
Sec. 26, NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, and N½SE¼;
Sec. 27, N½N½, SW¼NE¼, S½NW¼, NW¼SW¼, and NW¼SE¼;
Sec. 28, E½NE¼, E½SW¼, SE¼;
Sec. 33, N½N½, SW¼NE¼, S½NW¼.
T. 6 S., R. 15 E.,
Sec. 11, SE¼;
Sec. 12, SE¼SW¼;
Sec. 13;
Sec. 14, E½ and SW¼;
Sec. 15, N½N½, S½NE¼, and E½SE¼;
Sec. 19, SE¼SE¼;
Sec. 20, SE¼NE¼ and S½;
Sec. 21, S½;
Sec. 22, lot 1, SE¼NE¼ and S½;
Secs. 23 to 29, inclusive;
Sec. 30, E½E½;
Sec. 31, lot 4, E½ and E½W½;
Secs. 32 to 36, inclusive.
T. 7 S., R. 15 E.,
Secs. 1 to 18, inclusive;
Sec. 19, lots 1 and 2, NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 20, N½, W½SW¼, and NW¼SE¼;
Sec. 21, N½N½;
Sec. 22, N½, N½S½, and S½SE¼;
Sec. 23;
Sec. 24, N½, N½S½, S½SW¼, and SW¼SE¼;
Sec. 26, N½, SW¼, and W½SE¼;
Sec. 27, NE¼, N½SE¼, and SE¼SE¼.
T. 3 S., R. 16 E.,
Secs. 6 and 7;
Secs. 18 and 19;
Secs. 30 and 31.
T. 4 S., R. 16 E.,
Secs. 6 and 7;
Secs. 18 and 19;
Sec. 30, lots 1 and 2, N½NE¼, SW¼NE¼, and E½NW¼.
T. 5 S., R. 16 E.,
Sec. 7, lots 3 and 4, E½SW¼, and W½SE¼;
Secs. 18 and 19;
Sec. 30, lots 1, 2, and 3, NE¼, E½NW¼, NE¼SW¼, and SE¼.
T. 6 S., R. 16 E.,
Sec. 6, SE¼SW¼, NE¼SW¼, and S½SE¼;
Sec. 7, E½ and E½W½;
Secs. 18 and 19;
Secs. 30 and 31.
T. 7 S., R. 16 E.,
Secs. 6 and 7;
Sec. 18;
Sec. 19, lots 1 and 2, N½NE¼, SW¼NE¼, and E½NW¼.

Jerome County

T. 7 S., R. 16 E.,
Secs. 1 to 5, inclusive;
Secs. 8 to 10, inclusive;
Sec. 11, N½, SW¼, and W½SE¼;
Sec. 12, N½N½ and S½NE¼;
Sec. 14, NW¼ and NW¼SW¼;
Sec. 17;
Sec. 20, E½ and NE¼SW¼;
Sec. 29, W½E½, SE¼NW¼, NE¼SW¼, and S½SW¼.
T. 7 S., R. 17 E.,
Secs. 1 and 2;
Sec. 3, lots 1 and 2, and SE¼;
Sec. 6, lots 2 to 5, inclusive, and W½SE¼;
Sec. 7, lot 1 and NW¼NE¼;
Sec. 10, NE¼, NE¼NW¼, and NE¼SW¼;
Sec. 11, N½N½, SW¼NE¼, S½NW¼, and NW¼SW¼;
Sec. 12, E½, N½NW¼, and SE¼NW¼;
Sec. 13, NE¼.
T. 7 S., R. 18 E.,
Secs. 5 to 8, inclusive;
Secs. 16 and 17;
Sec. 18, NE¼NE¼;
Sec. 19, E½SE¼;
Sec. 20, N½NE¼, NE¼NW¼, S½N½, and S½;
Secs. 21 to 29, inclusive;
Sec. 30, NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 31, NE¼ and E½NW¼;
Sec. 32, NE¼, N½NW¼, and SW¼NW¼;
Sec. 33, N½ and N½SW¼;
Secs. 34 to 36, inclusive.
T. 8 S., R. 18 E.,
Secs. 1 to 3, inclusive;
Sec. 4, lots 1 and 2, S½N½, and W½W½SW¼;
Secs. 10 to 15, inclusive;
Sec. 21, SE¼NE¼, NE¼SE¼, and S½SE¼;
Secs. 22 to 24, inclusive;
Sec. 25, NW¼ and NW¼SW¼;
Sec. 26, NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 27, NE¼NE¼.
T. 9 S., R. 18 E.,
Sec. 25, SE¼NE¼NW¼, NE¼SE¼NW¼;
Sec. 28, S½SW¼ and SE¼;
Sec. 29, S½SE¼;
Sec. 32, lot 5, and N½N½;
Sec. 33, lot 1, N½, N½S½, SE¼SW¼, and S½SE¼.
T. 10 S., R. 18 E.,
Sec. 3, lots 4 and 5;
Sec. 4, lots 1 and 2.
T. 7 S., R. 19 E.,
Secs. 19 to 36, inclusive.
T. 8 S., R. 19 E.,
Secs. 1 to 24, inclusive;
Sec. 25, W½;
Sec. 26, NW¼;
Sec. 28, W½W½NE¼NE¼, NW¼NE¼, N½N½SW¼NE¼, NW¼NW¼SE¼NE¼, N½NW¼, N½S½NW¼, N½S½S½NW¼;
Secs. 29 and 30;
Sec. 31, lot 1, NE¼, and NE¼NW¼.
T. 7 S., R. 20 E.,
Secs. 19 to 36, inclusive.
T. 8 S., R. 20 E.,
Secs. 1 to 18, inclusive;
Sec. 19, lots 1 to 8, inclusive, E½, and E½NW¼;
Secs. 20 to 28, inclusive;
Sec. 29, E½ and E½SW¼;
Sec. 32, E½ and E½W½ north of canal;
Secs. 33 to 36, inclusive.
T. 9 S., R. 20 E.,
Sec. 1, lots 1 to 4, inclusive; S½NE¼, S½NW¼, and SW¼;
Secs. 2 and 3;
Sec. 4, lots 1 to 4, inclusive, S½N½;
Sec. 5, lots 5, 6, 9, and 10, and SE¼NE¼;
Sec. 10, N½NE¼;
Sec. 11, N½;
Sec. 12, W½.
T. 8 S., R. 21 E.,
Secs. 1 to 3, inclusive;
Sec. 4, lots 1 to 4, inclusive, SE¼NE¼, and SE¼;
Secs. 5 to 7, inclusive;
Sec. 8, W½E½ and W½;
Sec. 9, N½NE¼;
Sec. 10, NW¼;
Sec. 11, S½SE¼;
Sec. 12, E½, E½NW¼, and SW¼;
Sec. 13;
Sec. 14, N½, N½S½, SE¼SW¼, and S½SE¼;
Sec. 15, SE¼NE¼;
Secs. 17 to 20, inclusive;
Sec. 21, NW¼ and S½;
Sec. 22, S½NE¼ and SE¼NW¼;
Sec. 23, NE¼, E½NW¼, and SW¼NW¼;
Sec. 24, N½N½;
Sec. 27, W½NW¼ and SW¼;
Sec. 28, W½ and SW¼SE¼;
Secs. 29 to 31, inclusive;
Sec. 32, N½, N½SW¼, and W½SE¼;
Sec. 33, NW¼NE¼ and N½NW¼;
Sec. 34, W½NW¼.

Lincoln County

T. 3 S., R. 16 E.,
Secs. 1 to 5, inclusive;
Secs. 8 to 17, inclusive;
Secs. 20 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 4 S., R. 16 E.,
Secs. 1 to 5, inclusive;
Secs. 8 to 17, inclusive;
Sec. 20, N½, N½S½, and S½SE¼;
Secs. 21 to 24, inclusive;
Sec. 25, N½N½;
Sec. 26, N½N½ and S½NW¼;
Sec. 27, N½;
Sec. 28, N½N½, SE¼NW¼, and NE¼SW¼;
Sec. 29, N½NE¼.
T. 5 S., R. 16 E.,
Sec. 13;
Sec. 14, NE¼NE¼, S½NE¼, and S½;
Sec. 15, S½;
Sec. 17;
Secs. 20 to 29, inclusive;
Sec. 32, N½, E½SW¼, and SE¼;
Secs. 33 to 36, inclusive;
T. 6 S., R. 16 E.,
Secs. 1 to 5, inclusive;
Secs. 8 to 17, inclusive;
Secs. 20 to 29, inclusive;
Secs. 32 to 35, inclusive.
T. 3 S., R. 17 E.,
All.
T. 4 S., R. 17 E.,
Secs. 1 to 21, inclusive;
Sec 22, N½ and E½SE¼;
Secs. 23 and 24;
Sec. 25, E½, N½NW¼, SE¼NW¼, and NE¼SW¼;
Sec. 26;
Sec. 27, E½E½, SW¼NE¼, and W½SE¼;
Sec. 28, N½NW¼, SW¼NW¼, and W½SW¼;
Sec. 29, NW¼NW¼, S½SW¼, NE¼SE¼, and S½SE¼;
Sec. 30, N½NE¼;
Sec. 34, N½N½ and SE¼NE¼;
Sec. 35, N½ and N½SE¼.
T. 5 S., R. 17 E.,
Sec. 14, SW¼ and W½SE¼;
Sec. 15, SW¼NW¼, NW¼SW¼, S½S½, and NE¼SE¼;
Sec. 16, couth of Big Wood River;
Sec. 17, W½NW¼, SE¼NW¼, and S½;
Secs. 18 to 33, inclusive;
Sec. 34, N½NE¼.

T. 6 S., R. 17 E.,
Sec. 2, SW¼SW¼;
Sec. 3, lots 3, 4, and 7, S½NW¼, SW¼, and W½SE¼;
Secs. 4 to 29, inclusive;
Sec. 30, lots 1 to 3, inclusive, NE¼, E½NW¼, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 32, E½NE¼ and NE¼SE¼;
Secs. 33 to 36, inclusive.

T. 3 S., R. 18 E.,
Secs. 1 to 24, inclusive;
Sec. 25, NW¼ and SW¼SW¼;
Secs. 26 to 35, inclusive.

T. 4 S., R. 18 E.,
Sec. 1, lots 3 and 4, S½NW¼ and SW¼;
Secs. 2 to 11, inclusive;
Sec. 12, W½ and SE¼;
Secs. 13 to 16, inclusive;
Sec. 17, N½ and N½S½;
Secs. 18 and 19;
Sec. 21, NE¼, E½W½, and E½SE¼;
Secs. 22 to 27, inclusive;
Sec. 28, E½E½ and NE¼NW¼;
Sec. 29, W½E½, NW¼, and NE¼SW¼;
Sec. 30, lots 1 and 2, E½, and E½W½;
Sec. 32, N½NE¼ and SE¼NE¼;
Sec. 33, E½;
Secs. 34 to 36, inclusive.

T. 5 S., R. 18 E.,
Secs. 1 to 3, inclusive;
Sec. 4, lots 1 and 2, S½NE¼, SE¼SW¼, SE¼;
Sec. 8, SE¼NE¼, SE¼SW¼, and SE¼;
Secs. 9 to 12, inclusive;
Sec. 13, N½N½ and S½NW¼;
Sec. 14, N½, N½S½, and S½SW¼;
Secs. 15 and 16;
Sec. 17, E½ and E½W½;
Secs. 19 to 21, inclusive;
Sec. 22, N½, SW¼, and W½SE¼;
Sec. 23, NW¼NW¼;
Sec. 28, N½N½, SW¼NE¼, S½NW¼, SW¼, and NW¼SE¼;
Secs. 29 and 30;
Sec. 31, lots 1 and 2, W½NE¼, and E½NW¼;
Sec. 32, N½NE¼ and SE¼NE¼;
Sec. 33, N½NW¼, SW¼NW¼, S½SW¼, N½SE¼, and SW¼SE¼.

T. 6 S., R. 18 E.,
Sec. 7, lots 3 and 4, SE¼SW¼, and SW¼SE¼;
Sec. 17, SW¼NW¼ and S½;
Secs. 18 and 19;
Sec. 20, SW¼NE¼, NW¼, N½SW¼, and W½SE¼;
Sec. 28, S½;
Sec. 29, SW¼ and S½SE¼;
Secs. 30 to 33, inclusive;
Sec. 34, W½.

T. 7 S., R. 18 E.,
Secs. 1 to 4, inclusive;
Secs. 9 to 16, inclusive.

T. 3 S., R. 19 E.,
Secs. 1 to 12, inclusive;
Sec. 13, N½, N½S½, SE¼SW¼, and S½SE¼;
Sec. 14, N½;
Sec. 15, N½;
Sec. 16, N½;
Sec. 17, N½, NE¼SW¼, and SE¼;
Sec. 18, lots 1 to 4, inclusive, E½NE¼, W½E½, and E½W½;
Sec. 19;
Sec. 20, NW¼NE¼, W½SW¼, and SE¼SW¼;
Sec. 24, NE¼, NE¼NW¼, and N½SE¼;
Sec. 29, NW¼;
Sec. 30, NE¼SE¼ and S½SE¼;
Sec. 31;
Sec. 32, W½NW¼.

T. 4 S., R. 19 E.,
Sec. 7, lot 4, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 8, N½SW¼ and SW¼SW¼;
Sec. 17, NW¼SW¼;
Sec. 18;
Sec. 19, lots 1 to 4, inclusive, and E½W½;
Sec. 30, lots 1 to 3, inclusive, E½NW¼, and NE¼SW¼.

T. 5 S., R. 19 E.,
Sec. 6, lot 7;
Sec. 7, lots 1 to 3, inclusive, NE¼NW¼, and NE¼SW¼.

T. 6 S., R. 19 E.,
Sec. 13, S½;
Sec. 14, NE¼NE¼, S½N½, and S½;
Sec. 15, SW¼NW¼ and S½;
Sec. 21, NE¼NE¼;
Sec. 22, NW¼NE¼;
Secs. 23 to 26, inclusive;
Sec. 34, SE¼NE¼ and E½SE¼;
Secs. 35 and 36.

T. 7 S., R. 19 E.,
Sec. 1;
Sec. 2, lots 1 to 3, inclusive, S½NE¼, SE¼NW¼, and SE¼;
Sec. 3, S½SW¼ and SW¼SE¼;
Secs. 4 to 18, inclusive.

T. 3 S., R. 20 E.,
Secs. 1 to 11, inclusive;
Sec. 12, W½NW¼;
Sec. 14, N½NW¼, SW¼NW¼, and W½SW¼;
Secs. 15 to 22, inclusive;
Secs. 27 to 33, inclusive;
Sec. 34, W½NW¼.

T. 4 S., R. 20 E.,
Sec. 4, NW¼NE¼ and N½NW¼;
Sec. 5, N½N½, SW¼NE¼, and NW¼SE¼.

T. 6 S., R. 20 E.,
Sec. 16, S½;
Sec. 17, S½;
Sec. 18, lots 3 and 4, E½SW¼, and SE¼;
Secs. 19 to 24, inclusive;
Sec. 25, N½ and W½SW¼;
Secs. 26 to 34, inclusive;
Sec. 35, N½ and N½S½.

T. 7 S., R. 20 E.,
Sec. 1, lots 3 and 4, SW¼NW¼, and SW¼;
Secs. 2 to 18, inclusive.

T. 6 S., R. 21 E.,
Sec. 19, lots 1 to 12, inclusive, NE¼, and N½SE¼;
Sec. 20, W½NE¼, W½, and SE¼;
Sec. 28, S½;
Sec. 29, E½, E½NW¼, and NE¼SW¼;
Sec. 30, lots 2 to 4, inclusive;
Sec. 31, SE¼NE¼ and E½SE¼;
Sec. 32, E½, E½W½, SW¼NW¼, and W½SW¼;
Sec. 33;
Sec. 34, W½SW¼.

T. 7 S., R. 21 E.,
Secs. 1 to 3, inclusive;
Sec. 4, lots 1 and 2, S½NE¼, and N½SE¼;
Sec. 7;
Sec. 8, S½SW¼;
Sec. 9, SE¼SW¼ and S½SE¼;
Secs. 10 to 14, inclusive;
Sec. 17, NW¼, N½SW¼, and SW¼SW¼;
Secs. 18 and 19;
Sec. 20, W½NW¼, SW¼, W½SE¼, and SE¼SE¼;
Sec. 22, SE¼SE¼;
Secs. 23 to 26, inclusive;
Sec. 27, E½E½;
Secs. 29 to 32, inclusive;
Sec. 33, S½;
Sec. 34, S½S½;
Sec. 35, E½ and S½SW¼;
Sec. 36.

T. 6 S., R. 22 E.,
Sec. 29, N½SW¼ and SW¼SW¼;
Sec. 30, lots 6 to 12, inclusive, S½NE¼, and SE¼;
Sec. 31;
Sec. 32, lots 1 to 4, inclusive, S½NE¼, SE¼NW¼, and N½S½;
Sec. 33, lots 1 to 4, inclusive, NW¼, and N½S½.

T. 7 S., R. 22 E.,
Secs. 1 to 11, inclusive;
Sec. 12, N½, N½SW¼, and NW¼SE¼;
Secs. 14 to 23, inclusive;
Secs. 26 to 35, inclusive.

T. 7 S., R. 23 E.,
Secs. 5 and 6, south of Union Pacific Railroad;
Sec. 7, lots 1 to 3, inclusive, and E½E½;
Sec. 8, NW¼NW¼;
Sec. 29, SW¼NW¼;
Sec. 30, E½NE¼.

Minidoka County

T. 8 S., R. 22 E.,
Sec. 4, lots 3 and 4, S½NW¼, and SW¼;
Secs. 5 to 7, inclusive;
Sec. 8, NE¼ and W½;
Sec. 17, W½;
Sec. 18;
Sec. 19, lots 1 to 4, inclusive, N½NE¼, E½NW¼, and SE¼SE¼;
Sec. 20, W½.

The public lands in the area described above aggregate about 799,367.98 acres.

BOISE MERIDIAN, IDAHO

TYPE II

Blaine County

T. 1 N., R. 16 E.,
All.

T. 2 N., R. 16 E.,
Secs. 25 and 26;
Secs. 35 and 36.

T. 1 S., R. 16 E.,
Sec. 1, lots 1 to 4, inclusive, S½NE¼, and E½SE¼.

T. 1 N., R. 17 E.,
All.

T. 2 N., R. 17 E.,
Secs. 1 and 2;
Secs. 11 to 16, inclusive;
Secs. 20 to 36, inclusive.

T. 3 N., R. 17 E.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.

T. 4 N., R. 17 E.,
Sec. 1;
Secs. 12 and 13;
Secs. 24 and 25;
Sec. 36.

T. 5 N., R. 17 E.,
Sec. 36.

T. 1 S., R. 17 E.,
Secs. 1 to 5, inclusive;
Sec. 6, lot 4;
Secs. 10 to 12, inclusive;
Secs. 13, 14, and 15 in Blaine County.

T. 1 N., R. 18 E.,
Secs. 2 to 11, inclusive;
Sec. 12, SW¼NW¼;
Secs. 17 to 21, inclusive;
Secs. 29 to 32, inclusive.

T. 2 N., R. 18 E.,
Secs. 1 and 2;
Sec. 3 lots 1 to 4, inclusive, S½N½, N½S½, and S½SE¼;
Sec. 4, SE¼NE¼;
Secs. 5 to 8, inclusive;
Sec. 10, E½;
Secs. 11 to 14, inclusive;
Sec. 15, E½;
Secs. 17 to 21, inclusive;
Sec. 22, E½ and W½SW¼;
Secs. 23 to 36, inclusive.

T. 3 N., R. 18 E.,
All.

T. 4 N., R. 18 E.,
All outside Sawtooth National Forest.

T. 5 N., R. 18 E.,
Secs. 31 and 32.

T. 1 S., R. 18 E.,
Secs. 5 to 8, inclusive;
Secs. 17 and 18.

T. 1 N., R. 19 E.,
Secs. 1 to 17, inclusive;
Secs. 21 to 27, inclusive;
Secs. 34 to 36, inclusive.

T. 2 N., R. 19 E.,
All.

T. 3 N., R. 19 E.,
All outside Sawtooth National Forest.
T. 4 N., R. 19 E.,
Secs. 28 to 33, inclusive.
T. 1 S., R. 19 E.,
Sec. 1, lots 1 and 2, and SE¼;
Sec. 12, NE¼ and NE¼SE¼.
Tps. 1 and 2 N., R. 20 E.,
All.
T. 3 N., R. 20 E.,
Secs. 19 to 36, inclusive.
T. 1 S., R. 20 E.,
Secs. 1 to 15, inclusive;
Sec. 22, NW¼NE¼;
Secs. 23 to 26, inclusive.
Tps. 1 and 2 N., R. 21 E.,
All.
T. 3 N., R. 21 E.,
All outside Sawtooth National Forest.
T. 1 S., R. 21 E.,
Secs. 1 and 2;
Sec. 3, lot 1 and SE¼SE¼;
Sec. 4, lots 1 to 4, inclusive, and SE¼SE¼;
Sec. 5, lot 1;
Sec. 6;
Sec. 7, lot 1, N½NE¼, and NE¼NW¼;
Sec. 10, E½NE¼ and NE¼SE¼;
Sec. 11, N½N½, SE¼NE¼, SW¼NW¼, and NW¼SW¼;
Sec. 12, NW¼NE¼, N½NW¼, and NW¼SW¼;
Sec. 17, W½;
Sec. 18;
Secs. 29 to 32, inclusive;
Sec. 33, NW¼NW¼, NW¼SE¼, and S½SE¼.
T. 2 S., R. 21 E.,
Secs. 4 to 9, inclusive;
Sec. 17;
Sec. 20, N½NE¼ and NE¼NW¼;
Sec. 21, N½NW¼.
Tps. 1 and 2 N., R. 22 E.,
All.
T. 3 N., R. 22 E.,
All outside Sawtooth National Forest.
T. 1 S., R. 22 E.,
Sec. 5, lot 4;
Sec. 6, lot 1.
T. 1 N., R. 23 E.,
All.
T. 2 N., R. 23 E.,
All in Blaine County.
T. 3 N., R. 23 E.,
All in Blaine County and outside Sawtooth National Forest.
Tps. 1 and 2 N., R. 24 E.,
All in Blaine County.

Camas County

T. 1 N., R. 15 E.,
All.
T. 1 N., R. 16 E.,
Secs. 3 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 27 to 33, inclusive.
T. 2 N., R. 16 E.,
Sec. 26 in Camas County;
Secs. 27 to 34, inclusive.

The public lands in the area described above aggregate approximately 233,210.67 acres.

6. As provided in paragraph 1 above, the following lands are further segregated from appropriation under the general mining laws.

BOISE MERIDIAN, IDAHO

MAGIC RESERVOIR

T. 2 S., R. 18 E.,
Sec. 8, S½NE¼SW¼, SE¼SW¼, that portion above the high water line in SW¼SW¼.

This site contains about 62 acres.

LOWER NO. 93 CAMPGROUND

T. 3 S., R. 18 E.,
Sec. 4, SE¼SE¼, that portion along Big Wood River, both sides of Old Highway No. 93.

This site contains about 10 acres.

COTTONWOOD RECREATION SITE

T. 2 S., R. 18 E.,
Sec. 30, SE¼NE¼.

This site contains 40 acres.

LAVA CREEK

T. 1 S., R. 17 E.,
Sec. 35, that portion above the high water line in SE¼NE¼, E½SE¼, and SW¼SE¼.

This site contains about 103 acres.

FISH CREEK RESERVOIR

T. 1 N., R. 22 E.,
Sec. 15, W½NE¼, NE¼NW¼.

This site contains 120 acres.

DEVIL'S CORRAL AREA (INCLUDES THREE SITES), VINYARD LAKE, DEVIL'S CORRAL, AND DEVIL'S CORRAL SPRINGS

T. 9 S., R. 18 E.,
Sec. 28, S½SW¼, SE¼;
Sec. 29, S½SE¼;
Sec. 32, lot 5, N½N½;
Sec. 33, lot 1, N½, N½S½, SE¼SW¼, and S½SE¼.
T. 10 S., R. 18 E.,
Sec. 3, lots 4 and 5;
Sec. 4, lots 1 and 2.

These sites contain 1,277.68 acres.

WILSON BUTTE CAVE

T. 7 S., R. 19 E.,
Sec. 27, NW¼NE¼SW¼.

This site contains 10 acres.

MILNER-GOODING CANAL STOP

T. 8 S., R. 19 E.,
Sec. 4, SE¼SE¼.
This site contains 40 acres withdrawn by Milner-Gooding Canal Co.

CITY OF ROCKS

T. 3 S., R. 14 E.,
Portions of secs. 23 and 26.

This site contains about 320 acres.

MORMON RESERVOIR

T. 2 S., R. 14 E.,
Sec. 4, SE¼NE¼.

This site contains 40 acres.

CHERRY CREEK

T. 2 N., R. 16 E.,
Sec. 30, N½SW¼SW¼.

This site contains 20 acres.

PECK'S MEADOW

T. 3 S., R. 14 E.,
Sec. 14, SE¼NE¼NW¼, NE¼SE¼NW¼, SW¼NW¼NE¼, NW¼SW¼NE¼.

This site contains 40 acres.

BENCHMARK WATERHOLES

T. 3 S., R. 13 E.,
Sec. 29, SE¼SW¼;
Sec. 32, NE¼NW¼.

This site contains 80 acres.

MAGIC EXTENSION

T. 2 S., R. 18 E.,
Sec. 7, E½SE¼NE¼, E½NE¼SE¼;
Sec. 8, SW¼NW¼ and NW¼SW¼.

This site contains 120 acres.

ARROW HEADROCK

T. 3 S., R. 12 E.,
Sec. 28, SW¼SE¼ and SE¼SW¼.

This site contains 80 acres.

ARROW WATERHOLE

T. 3 S., R. 12 E.,
Sec. 33, NE¼NW¼.

This site contains 40 acres.

CLAY BANKS

T. 1 S., R. 17 E.,
Sec. 25, NW¼SE¼, NE¼SW¼SE¼, SE¼SE¼, and SW¼NE¼SE¼.

This site contains 100 acres.

MEANDER WATERHOLE

T. 3 S., R. 12 E.,
Sec. 26, E½SE¼NW¼, W½SW¼NE¼.

This site contains 40 acres.

INDIAN WRITING WATERHOLE

T. 3 S., R. 12 E.,
Sec. 21, SW¼NE¼.

This site contains 40 acres.

INDIAN WATERHOLE CANYON

T. 3 S., R. 12 E.,
Sec. 34, W½NE¼, N½SE¼, SW¼SE¼.

This site contains 200 acres.

NOTCH BUTTE LOOKOUT

T. 6 S., R. 17 E.,
Sec. 22, SW¼NE¼SW¼.

This site contains 10 acres.

The total area described above aggregates approximately 2,817.68 acres.

7. For a period of 30 days from the date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior, as provided for in 43 CFR 2461.3. For this period interested parties may submit comments to the Secretary of the Interior, LLM 320, Washington, D.C. 20240.

WILLIAM G. RETTER,
Acting State Director.

[F.R. Doc. 70-15833; Filed, Nov. 25, 1970; 8:47 a.m.]

[OR 6995]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

NOVEMBER 20, 1970.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 6995, for the withdrawal of the national forest land described below, from all forms of appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral

leasing laws, subject to valid existing rights.

The applicant desires the land for use as the Coquille River Falls Research Natural Area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street, Post Office Box 2965, Portland, OR 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The land involved in the application is:

SISKIYOU NATIONAL FOREST

WILLAMETTE MERIDIAN

Coquille River Falls Research Natural Area

T. 33 S., R. 11 W.,
A tract of land within the following subdivisions:
Sec. 16, SW¼;
Sec. 17, S½;
Sec. 18, N½SE¼, SE¼SE¼;
Sec. 20, N½N½;
Sec. 21, N½NW¼.

The area described contains approximately 500 acres in Coos County, Oreg.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 70-15933; Filed, Nov. 25, 1970; 8:49 a.m.]

[Wyoming 18852]

WYOMING

Notice of Offering of Land for Sale

NOVEMBER 19, 1970.

Notice is hereby given that, under the provisions of the Act of September 19, 1964 (78 Stat. 988), and pursuant to an application of the town of Green River, Wyo., the Secretary of the Interior will offer for sale the following listed lands:

SIXTH PRINCIPAL MERIDIAN

T. 18 N., R. 107 W.,
Sec. 26, lots 9 to 16, inclusive.

The areas described contain 284.72 acres in Sweetwater County.

The lands adjoin the southeastern corporate town limits of Green River. They are chiefly valuable for residential use and are needed for the orderly growth and development of the community.

It is the intention of the Secretary to permit the town to purchase the land at the appraised market value.

The patent will issue subject to all valid existing rights and rights-of-way of record. The patent will also contain a reservation to the United States for rights-of-way for ditches or canals under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945), and of all mineral deposits.

PHILIP C. HAMILTON,
Assistant Manager, Lands.

[F.R. Doc. 70-15893; Filed, Nov. 25, 1970; 8:46 a.m.]

[Wyoming 23816, 26607]

WYOMING

Notice of Offering of Land for Sale

NOVEMBER 19, 1970.

Notice is hereby given that, under the provisions of the Act of September 19, 1964 (78 Stat. 988), and pursuant to applications from the Board of County Commissioners of Sublette County, Wyo., the Secretary of the Interior will offer for sale the following listed lands:

SIXTH PRINCIPAL MERIDIAN

T. 34 N., R. 111 W.,
Sec. 23, SE¼NW¼SW¼, SW¼NE¼SW¼, NE¼SW¼SW¼, and NW¼SE¼SW¼.
T. 34 N., R. 110 W.,
Sec. 4, NW¼SE¼.

The areas described aggregate 80 acres in Sublette County, Wyo.

The lands are chiefly valuable for public purpose use by the county in developing sanitary disposal sites within the county. Adequate zoning regulations are in effect to guide the development of the lands.

The lands are located 2½ miles north of Daniel and one-half mile north of Cora, Wyo., respectively.

It is the intention of the Secretary to permit the county to purchase the land at the appraised market value.

The patents will issue subject to all valid existing rights and rights-of-way of record. The patents will also contain a reservation to the United States for rights-of-way for ditches or canals under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. sec. 945), and of all mineral deposits.

PHILIP C. HAMILTON,
Assistant Manager, Lands.

[F.R. Doc. 70-15894; Filed, Nov. 25, 1970; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Order Directing That Referendum Be Conducted; Designation of Referendum Agent To Conduct Such Referendum; and Determination of Representative Period

Pursuant to the applicable provisions of Marketing Agreement No. 147 and Order No. 931 (7 CFR Part 931), and this applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), it is hereby directed that a referendum be conducted among the growers who, during the period July 1, 1970, through November 30, 1970 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in Oregon and Washington, in the production of Bartlett pears for market in fresh form to determine whether such growers favor the termination of said marketing agreement and order. Mr. Allan E. Henry of the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, 1218 Southwest Washington Street, Portland, OR 97205, is designated as the referendum agent to conduct said referendum.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR 900.400 et seq.).

Copies of the text of the aforesaid marketing order may be examined in the office of the referendum agent or of the Director, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Ballots to be cast in the referendum may be obtained from the referendum agent and any appointee hereunder.

Dated: November 20, 1970.

RICHARD E. LYNG,
Assistant Secretary.

[F.R. Doc. 70-15912; Filed, Nov. 25, 1970; 8:48 a.m.]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. S-518]

ROY VICTOR HARRIS

Notice of Loan Application

NOVEMBER 19, 1970.

Roy Victor Harris, Route 5, Box 642, Port Angeles, WA 98362, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new

44-foot length overall ferrocement vessel to operate in the fishery for salmon and albacore.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, DC 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[F.R. Doc. 70-15879; Filed, Nov. 25, 1970; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-126; NADA Nos. 8-639V, 9-067V]

FORT DODGE LABORATORIES, INC., AND HAVER-LOCKHART LABORATORIES

Rumen Bacteria; Withdrawal of Approval of New Animal Drug Application

On June 7, 1969, there was published in the FEDERAL REGISTER (34 F.R. 9096) a notice of opportunity for hearing in which the Commissioner of Food and Drugs proposed to issue an order under the provisions of section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of the new animal drug applications listed therein on the ground that the information before the Commissioner with respect to said animal drugs, evaluated together with the evidence available to him when the applications were approved, did not provide substantial evidence that these animal drugs had the effect they purported or were represented to have under the conditions for use prescribed, recommended, or suggested in their labeling.

The following firms, listed with their address, respective drug, and new animal drug application number, have waived opportunity for hearing on the proposed withdrawal of said new animal drug applications:

NADA No.	Drug name	Applicants name and addresses
8-639V	Bovinoculum Cap-Tabs and Powder.	Fort Dodge Laboratories, Inc., Fort Dodge, IA 50501.
9-067V	Ru-Bac	Haver-Lockhart Laboratories, Post Office Box 676, Kansas City, MO 64141.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to him (21 CFR 2.120), finds on the basis of new information before him with respect to each of said drugs, evaluated together with the evidence available to him when each application was approved, that there is a lack of substantial evidence that each of the drugs will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of new animal drug applications No. 8-639V for Bovinoculum Cap-Tabs and Powder and No. 9-067V for Ru-Bac are withdrawn effective on the date of the signature of this document.

Dated: November 13, 1970.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 70-15919; Filed, Nov. 25, 1970; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22788; Order 70-11-105]

AIRLIFT INTERNATIONAL, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of November 1970.

By tariff filed October 23 and marked to become effective November 22, 1970,[1] Airlift International, Inc. (Airlift) proposes higher general commodity rates in several markets. Airlift asserts the proposed rates are necessitated to avoid rate inequities. No complaints were filed.

Most of the proposed rates involve only minor adjustments or are at levels no higher than those presently permitted for other carriers. The rates proposed from Atlanta to Chicago and from West Palm Beach to Boston, however, involve relatively sharp increases without adequate justification presented by the carrier. In the former market, the current rates would be increased from 40 to 51 percent while in the latter market the increases would range between 57 and 84 percent. The proposed rates would significantly exceed those in effect for most competing carriers (Delta Air Lines, Inc., Eastern Air Lines, Inc., and Northwest Airlines, Inc.) which publish rates equal to Airlift's current rates.[2]

Therefore, upon consideration of all relevant factors, the Board finds that the proposed general commodity rates from Atlanta to Chicago and from West Palm Beach to Boston may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the local general commodity rates from Atlanta to Chicago and from West Palm Beach to Boston for 100, 1,000, 2,000, and 3,000 pounds minimum weight on 64th Revised Page 17 and 10th Revised Page 17-D, respectively, of Airline Tariff Publishers, Inc., Agent's CAB No. 8 (Agent J. Aniello series) and rules, regulations, or practices affecting such rates are, or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates, and rules, regulations, or practices affecting such rates;

2. Pending hearing and decision by the Board, the local general commodity rates from Atlanta to Chicago and from West Palm Beach to Boston for 100, 1,000, 2,000, and 3,000 pounds minimum weight on 64th Revised Page 17 and 10th Revised Page 17-D, respectively, of Airline Tariff Publishers, Inc., Agent's CAB No. 8 (Agent J. Aniello series) are suspended and their use deferred to and including February 19, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein be assigned for hearing before an examiner of the Board, at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariff and served upon Airlift International, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-15942; Filed, Nov. 25, 1970; 8:50 a.m.]

[Docket No. 21957]

ALLEGHENY AIRLINES, INC.

Notice of Hearing

Allegheny Airlines, Inc. (deletion of Portsmouth, Ohio).

[1] Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 8.

[2] Although Airlift's proposal would be equal to or slightly less than rates in effect for United Air Lines, Inc., it should be noted that the latter carrier's authorized routes in the markets involved are circuitous.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled case is assigned to be held on December 11, 1970, at 9 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

Dated at Washington, D.C., November 20, 1970.

[SEAL] HYMAN GOLDBERG,
Hearing Examiner.

[F.R. Doc. 70-15939; Filed, Nov. 25, 1970; 8:49 a.m.]

[Dockets Nos. 21866, 22784; Order 70-11-93]

AMERICAN AIRLINES, INC., ET AL.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of November 1970.

By tariff revisions[1] marked to become effective on various dates from November 20, 1970, to December 19, 1970, increases and/or cancellations in a number of discount fares as well as increases in first-class fares are being proposed by various carriers. Specifically, the proposals are as follows:

1. Increase first-class fares from 125 to 130 percent of coach—Braniff Airways, Inc. (Braniff), Eastern Air Lines, Inc. (Eastern), National Airlines, Inc. (National), Northeast Airlines, Inc. (Northeast).

2. Cancel Discover America fares—American Airlines, Inc. (American) (up to 1,500 miles), Braniff, Eastern, National, Northeast, Western Air Lines, Inc. (Western). National and Northeast propose to establish new excursion fares at 170 percent of coach between major Florida and East Coast points, on the one hand, and major West Coast points, on the other.

3. Reduce the Discover America discount to 15 percent from June 15 through September 15—American.

4. Increase night-coach fares from 75 to 80 percent of coach—Eastern, National, Northeast, Western.

5. Blackout family fares in Florida markets from December through April—Eastern, National, Northeast, United.

6. Increase youth standby fares from 60 percent to 66⅔ percent of coach, and military reservation fares from 66⅔ percent to 75 percent of coach—American, Western.

In support of their respective proposals, all carriers point to poor earnings, and the need for the additional revenues their proposals are expected to generate. The carriers essentially allege that they are proposing to cancel Discover America fares in order to eliminate uneconomic revenue dilution; that the first-class increases will bring those fares more in line with the costs of providing the service; that increasing the night-coach fares to 80 percent of coach will result in more uniformity, and be more in line with other discounts offered. The blackout of family fares in Florida markets is alleged to be necessary to mitigate peaking by encouraging passengers to utilize night-coach fares which will be priced at the present Discover America fare level. American alleges that the present Discover America fares tend to aggravate peaking in the summer months, and that its proposal for higher summer fares is intended to provide passengers with some incentive to shift to nonpeak periods. With regard to the increases proposed in youth standby and military reservation fares, American and Western allege that the proposals will bring the discounts for those fares more in line with other discounts proposed, and allege that the traffic can be retained with somewhat lower discounts than those utilized during the initial promotional period.

Complaints have been filed by the Department of Defense (DOD) and by certain Members of Congress. DOD's complaint is directed essentially at the proposed increases in military reservation fares, alleging that DOD has an extreme interest in the continuation of military reservation fares at the present level to preserve morale in the armed forces. DOD alleges that there has been no showing of need nor any justification whatsoever for increasing those fares, and alludes to an earlier Board order which suspended military reservation fare increases proposed by other carriers.

The complaint of Members of Congress is directed against American's proposed increase in youth standby fares and the various proposals to cancel Discover America fares. The complaint alleges that the youth standby fare proposal is prima facie unduly prejudicial because the youth-fare passengers are granted passage only after military standby passengers who pay a substantially lower fare are boarded, and also alleges that the proposal is illogical as a means of increasing revenues. The complaint alleges that Discover America fares have generated new traffic and smoothed traffic peaks. The complaint is directed principally against American's proposal to eliminate fares in markets up to 1,500 miles, alleging that this would deny the use of the fares to persons living in the middle section of the country, and traveling to either coast, and that those persons are not responsible for the carrier's higher operating costs and excess capacity.

Eastern has answered the complaint, taking issue with the allegation that the Discover America fares smooth out traffic peaks and contending that they have not generated enough traffic to meet the added costs of carrying the new traffic generated. American has submitted an answer which substantially reiterates the arguments made in the justification for its filing.

The lawfulness of the carriers' passenger fares from the standpoint of both fare level and fare structure ultimately will be determined in the Domestic Passenger Fare Investigation, and our earlier order provided that all proposed changes in fares during the pendency of such investigation were automatically included within its scope. Consequently, the issues now presented are whether the Board should suspend the effectiveness of any or all of the present proposals pending the ultimate determination of their lawfulness. Moreover, in determining whether and to what extent we shall exercise the suspension power, we take into account the continuing adverse financial position of the carriers and the possibility that the trunkline industry as a whole will be in a loss position in 1970. Traffic and revenue continue to grow at a relatively slow rate; excess capacity persists despite efforts to curtail frequencies and improve load factors; and the costs of doing business continue to escalate. Furthermore, the tariffs here involved do not propose changes in the basic coach fares presently in effect (and thus do not relate directly to the determination of basic costs of service and load factors under consideration in the Domestic Passenger Fare Investigation) but rather involve the adjustment of promotional and first-class fares in relation to the basic coach fare structure. Thus, the proposals essentially involve pricing judgments and adjustments to optimize revenues which, in view of the carriers' adverse earnings situation, need not await the conclusion of the phases of the investigation dealing with discount fares and fare structure notwithstanding that all of these matters will ultimately be resolved at the conclusion of that investigation.

The Board is unable to conclude that the carriers' proposals to raise first-class fares to 130 percent of coach fares, and to set night coach fares at 80 percent of coach fares are prima facie unreasonable. First-class fares will continue to be underpriced in relation to the costs of providing the service even at the 130-percent ratio, and the modest increase is unlikely to cause significant downgrading to lower-fared services. With regard to the proposed night-coach fare increases, a substantial majority of these fares are presently at or above the 80-percent level, and a discount of 20 percent does not appear out of line with other discount fares.

We will also permit tariffs to be effective which will reduce the youth standby discount from 40 percent to 33⅓ percent. Military standby traffic is today boarded prior to youth standby traffic notwithstanding that it is priced at a lower-fare level, and we do not consider this a basis for suspending the reduction proposed in the youth fare discount, nor inappropriate as a matter of national interest.

The Board is not convinced that cancellation of Discover America fares across the board is either reasonable or in the public interest. Travel at these fares constituted over 17 percent of total traffic carried by the trunklines in 1969. We believe the propriety of such a basic change in the structure can be determined only on the basis of the record in

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB Nos. 136 and 142.

the current fare investigation, particularly in light of the considerable evidence adduced in the course of the hearings that these fares have a generative effect at least in longer haul markets. On the other hand, evidence was also adduced which would indicate that Discover America fares are of limited usefulness in shorter haul markets. Without deciding the relative merits of these contentions, or the appropriate mileage cutoff if they prove to be valid, we believe the proposals to cancel these fares in markets below 1,500 miles should be permitted pending ultimate resolution of the question on the basis of a full evidentiary record.

We will also permit the proposed reduction in the level of Discover America fares in the peak season period, June 15 through September 15. Traffic peaking in these months is generally acknowledged more to be the result of increased discretionary travel for which these fares are designed than increased business travel. We thus distinguish our action herein for our suspension last May of proposed peak season surcharges which encompassed normal fares as well as discount fares.[2] Moreover, the period here involved is confined to 3 months rather than the 4 months then contemplated. Finally, we will permit the carriers to blackout family fares in Florida markets during peak travel months, essentially for the reasons we have permitted a similar blackout of the Discover America fares since their inception.

The Board has concluded to suspend proposals of American and Western to increase military reservation fares from 66⅔ percent of coach to 75 percent of coach. American alleges that the increase will not be a burden on military personnel because a standby fares at a 50-percent discount is available. However, the Board specifically rejected that rationale in suspending a similar proposal made earlier by Braniff.[3]

In summary, in addition to cancellation of Discover America fares under 1,500 miles and imposition of a winter blackout on family fares in Florida markets, the Board will permit the carriers to increase first-class, night-coach, youth-standby, and Discover America peak-season fares as indicated above. However, we are herein suspending the proposals as filed since they reflect rounding techniques inconsistent with our action in Order 70-10-145.[4,5] In that order we stated that "passengers should not be subjected to further increases in fares which stem solely from an upward rounding as opposed to rounding to the nearest dollar. Nor do we see the necessity for more than one rounding to accomplish the objectives sought by the carriers."

Upon consideration of the tariff proposals, the complaints and answer thereto, and other relevant matters, the Board finds that the proposals to increase military reservation fares and cancel Discover America fares in markets over 1,500 miles, and the remaining proposals to increase fares insofar as they contain double roundings and/or a constant round-up, may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful. The Board further concludes that the tariffs in question should be suspended pending completion of the ongoing passenger-fare investigation, except for the military reservation fares for which a separate proceeding will be instituted.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A attached hereto,[6] and rules, regulations, or practices affecting such fares and provisions, are or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A and Appendix B hereto[6] are suspended and their use deferred to and including February 17, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. A copy of this order will be filed with the aforesaid tariffs and be served upon all parties in Dockets 21322, 21866; and

4. Except to the extent granted herein, the complaints in Dockets 22706 and 22708 are hereby dismissed insofar as they apply to filings considered herein. These complaints were also filed against other proposals which will be disposed of by subsequent orders.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[7]

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-15944; Filed, Nov. 25, 1970; 8:50 a.m.]

[2] Order 70-5-40.

[3] Order 70-5-142.

[4] We are herein suspending Braniff's proposed youth-standby fares and Western's proposed first-class fares for the same reason. Although a number of the proposed youth-standby fares match existing competitive fares, a substantial number of them are in noncompetitive markets.

[5] In the event the carriers refile these proposals to reflect appropriate rounding techniques, they may wish to consider effectiveness dates which will cause the least disruption during the upcoming holiday peak-travel period.

[6] Filed as part of the original document.

[7] Concurring and dissenting statements of Vice Chairman Gilliland and Member Minetti filed as part of the original document.

[Docket No. 21433]

NOVO CORP. AND ESTATE OF EDWARD L. RICHTER

Notice of Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that at the request of Bureau Counsel the oral argument in the above-entitled matter now assigned to be held on December 2 is postponed to December 9, 1970, at 10 a.m., e.s.t, in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the Board.

Dated at Washington, D.C., November 20, 1970.

[SEAL] RALPH L. WISER,
Associate Chief Examiner.

[F.R. Doc. 70-15940; Filed, Nov. 25, 1970; 8:49 a.m.]

[Docket No. 22665; Order 70-11-83]

SEMO AVIATION, INC.

Order To Show Cause

Issued under delegated authority November 19, 1970.

The Postmaster General filed a notice of intent October 21, 1970, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 52 cents per great circle aircraft mile for the transportation of mail by aircraft between Poplar Bluff, Mo., and Jonesboro, Ark., via Cape Girardeau and St. Louis, Mo., and Little Rock and West Memphis, Ark., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft 18 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Semo Aviation,

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 52 cents per great circle aircraft mile between Poplar Bluff, Mo., and Jonesboro, Ark., via Cape Girardeau and St. Louis, Mo., and Little Rock and West Memphis, Ark., based on five round trips per week.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16 (f):

It is ordered, That:

1. Semo Aviation, Inc., the Postmaster General, American Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., Frontier Airlines, Inc., Ozark Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Semo Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine, the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Semo Aviation, Inc., the Postmaster General, American Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., Frontier Airlines, Inc., and Ozark Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-15943; Filed, Nov. 25, 1970; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI71-406 etc.]

CONTINENTAL OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

NOVEMBER 19, 1970.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before January 12, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-406..	Continental Oil Co	358	1	Kansas-Nebraska Natural Gas Co., Inc. (Wind River Basin, Riverton East Field, Fremont County, Wyo.).	$4,592	10-22-70	11-22-70	4-22-71	[1] 15.384	[1] 17.5	
		359	1	Montana Dakota Utilities (Wind River Basin, Riverton East Field, Fremont County, Wyo.).	4,592	10-22-70	11-22-70	4-22-71	[1] 15.384	[1] 17.5	
		360	1	Kansas-Nebraska Natural Gas Co., Inc. (Wind River Basin, Riverton East Field, Fremont County, Wyo.).	2,624	10-22-70	11-22-70	4-22-71	[1] 15.384	[1] 17.5	
		361	1	Montana Dakota Utilities Co. (Wind River Basin, Riverton East Field, Fremont County, Wyo.).	2,624	10-22-70	11-22-70	4-22-71	[1] 15.384	[1] 17.5	
RI71-407..	American Petrofina Co. of Texas.	7	7	Texas Eastern Transmission Corp. (Bird Island Field, Kleberg County, Tex., RR. District No. 4).	35	10-20-70	12-1-70	5-1-70	[2] 16.8735	[2] 17.074375	RI70-490
RI71-408..	King Resources Co	30	5	Arkansas Louisiana Gas Co. (Latimer, Le Flore, and Pittsburg Counties, Okla., Other Area).	56,536	[3] 10-23-70	11-23-70	4-23-70	[2] 15.0	[2] 16.015	
RI71-409..	Mobil Oil Corp	418	5	Texas Eastern Transmission Corp. (Greenwood-Waskom Field, Caddo Parish, North Louisiana).	328	10-26-70	11-26-70	4-26-70	18.05	18.2623	RI70-323

*Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] Subject to B.t.u. adjustment from a 1,000 B.t.u. base with a maximum upward adjustment of 2.2 cents per Mcf.
[2] Pressure base is 14.65.
[3] Date filing completed by correction letter dated Oct. 23, 1970. Original filing submitted on Sept. 28, 1970.

American Petrofina Co. and King Resources Co. request effective dates for which adequate notice was not given. Good cause has not been shown for granting any of these requests and they are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56).

[F.R. Doc. 70–15885; Filed, Nov. 25, 1970; 8:45 a.m.]

[Docket No. CP71–138]

EL PASO NATURAL GAS CO.

Notice of Application

NOVEMBER 19, 1970.

Take notice that on November 9, 1970, El Paso Natural Gas Co., Post Office Box 1492, El Paso, TX 79999, filed in Docket No. CP71–138 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and limited-term operation of certain pipeline facilities and the limited-term delivery of natural gas to Colorado Interstate Gas Company (CIG) by use of such facilities in Potter County, Tex. CIG application on file with the Commission and open to public inspection.

The application states that applicant and CIG have entered into a letter agreement dated October 21, 1970, which provides for the limited-term delivery of natural gas between applicant and CIG. Applicant, commencing upon receipt of requisite authorization, will deliver up to 20,000 Mcf of natural gas daily through March 1971, and up to 30,000 Mcf daily during the remaining term of the agreement, to CIG at an existing point of interconnection of applicant's and CIG's facilities in Potter County, Tex. CIG will deliver to applicant at an existing delivery point in Sweetwater County, Wyo., a total quantity, up to 20,000 Mcf daily, of gas equal to the total quantity of gas delivered to CIG by applicant in Potter County, Tex. The limited-term for which the certificate is requested is for a period of 12 months following initiation of deliveries by applicant to CIG.

The total estimated cost of the proposed facilities, consisting of a tap and a standard measuring and regulating station, is $35,603.

Applicant states that the grant of the certificate requested herein will enable applicant and CIG to commence a short-term supply arrangement for the ultimate benefit of the customers of both companies.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 8, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70–15882; Filed, Nov. 25, 1970; 8:45 a.m.]

[Docket No. CP71–137]

UNITED GAS, INC., AND TENNESSEE GAS PIPELINE CO.

Notice of Application

NOVEMBER 18, 1970.

Take notice that on November 9, 1970, United Gas, Inc., Post Office Box 2628, Houston, TX 77001 (applicant), filed in Docket No. CP71–137 an application pursuant to section 7(a) of the Natural Gas Act directing Tennessee Gas Pipeline Co., a division of Tenneco Inc. (respondent), to connect its existing facilities in Panola County, Miss., to certain facilities proposed to be constructed by applicant and to sell directly to applicant, rather than through an intermediary, quantities of natural gas for resale in Sardis, Miss., as more fully set forth in said application which is on file with the Commission and is open to public inspection.

Applicant proposes to construct approximately 1½ miles of 4-inch pipeline extending from its Sardis Distribution System to the location of respondent's existing meter location, at which point a second meter station will be constructed. Applicant estimates that the cost of these facilities will be approximately $41,600.

Applicant states that its maximum daily and annual requirements for the third year of operation are estimated to be 1,342 Mcf and 170,000 Mcf, respectively.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 8, 1970, file with the Federal Power Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules or practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70–15833; Filed, Nov. 25, 1970; 8:45 a.m.]

[Docket No. RP71–41]

UNITED GAS PIPE LINE CO.

Notice of Proposed Changes in Rates and Charges

NOVEMBER 19, 1970.

Take notice that on November 13, 1970, United Gas Pipe Line Co. (United) tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, to become effective on January 1, 1971. The proposed rate change would increase charges for jurisdictional sales and services by about $56,100,000 based on sales and transportation deliveries for the 12-month period ending July 31, 1970, as adjusted.

United also requested a waiver of § 154.38(d)(3) of the Commission's regulations, with respect to United's proposal to include a purchased gas adjustment clause in its rate schedules. If the waiver of § 154.38(d)(3) (which prohibits the inclusion of such clauses in rate schedules) is not granted, United proposed that alternate tariff sheets, which it filed which eliminated all references to the purchased gas adjustment clause, be considered in lieu of and in substitution for the proposed revised tariff sheets which contain such clause.

In addition to changes in rate levels, United proposed (1) modification of the billing demand provisions in Rate Schedules DG–C, DG–J, DG–NW, and DG–S, (2) revisions of the demand charge adjustment provision in said rate schedules and (3) other changes in the general terms and conditions and forms of service agreement relating to definition of rate zones, determination of quality, measurement, delivery points, maximum daily quantity, sales to rural customers, the inclusion of the above referred to purchased gas adjustment adjustment clause.

United states the main reasons for the proposed rate increases are (1) increases in costs over the costs included in United's rate increase filing in Docket No. RP70–13, such costs including costs in maintaining its gas supplies, in operating and maintaining its pipeline system, in purchasing supplies, material, labor, and services for the pipeline, in taxes and in financing its pipeline operations; (2) the proposed increases in its book depreciation rates to a composite rate of 5 percent; and (3) the need for an increase in rate of return to 9⅜ percent.

Copies of the filing are being served on customers and interested State regulatory agencies.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 14, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.18 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 70-15884; Filed, Nov. 25, 1970; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to § 1.571(c) of the Commisison's rules, that on December 30, 1970, the following standard broadcast application will be considered as ready and available for processing:

BMP-13094

KYUK, Bethel, Alaska.
Bethel Broadcasting, Inc.
Has CP: 700 kc., 10 kw., Day.
Req. MP: 580 kc., Day.

Pursuant to § 1.227(b)(1), § 1.591(b) and Note 2 to § 1.571 of the Commission's rules,[1] an application, in order to be considered with the above application must be in direct conflict with said application, substantially complete, and tendered for filing at the offices of the Commission by the close of business on December 29, 1970.

The attention of any party in interest desiring to file pleadings concerning the application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: November 18, 1970.

Released: November 19, 1970.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-15932; Filed, Nov. 25, 1970; 8:49 a.m.]

[1] See report and order released July 18, 1968, FCC 68-739, Interim Criteria to Govern Acceptance of Standard Broadcast Applications, 33 F.R. 10343, 13 RR 2d 1667.

FEDERAL RESERVE SYSTEM

VALLEY BANCORPORATION

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Valley Bancorporation, Appleton, Wis., for approval of acquisition of 80 percent or more of the voting shares of Bank of Kewaskum, Kewaskum, Wis.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Valley Bancorporation, Appleton, Wis. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Bank of Kewaskum, Kewaskum, Wis. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banking of the State of Wisconsin and requested his views and recommendation. The Commissioner indicated that he had no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on September 24, 1970 (35 F.R. 15335), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant, the eighth largest registered bank holding company and banking organization in Wisconsin, controls eight banks with aggregate deposits of $100.8 million, representing 1.2 percent of the State's total deposits. (All banking data are as of Dec. 31, 1969, adjusted to reflect bank holding company formations and acquisitions approved by the Board to date.) Upon acquisition of Bank ($11 million in deposits), Applicant would increase its share of statewide deposits to 1.3 percent.

Bank's sole office is located in Kewaskum, 52 miles southeast of Applicant's nearest subsidiary bank in Oshkosh. Bank's primary service area is stated by Applicant to consist of the village of Kewaskum and its environs; however, after consideration of all the facts of record, the Board concludes that, for the purposes of the subject application, the relevant market includes the city of West Bend and the surrounding communities, including the Kewaskum area, the upper two-thirds of Washington County, and the lower portion of Fond du Lac County, including the town of Campbellsport. Under Wisconsin law, no subsidiary of Applicant could establish a branch in the relevant market.

Bank is the third largest of the eight banks operating in its market, holding 15.5 percent of market deposits. The largest area bank holds 42 percent of market deposits, and the second largest area bank, a subsidiary of The Marine Corp. (the third largest registered bank holding company and banking organization in Wisconsin), holds 16 percent of market deposits.

The proposed action will apparently have no effect on the areas served by Applicant's present subsidiaries and will result in only an insignificant increase in banking concentration in the State of Wisconsin. It does not appear that existing competition would be eliminated, or significant potential competition foreclosed, by consummation of the present proposal. On the contrary, it would appear that Bank's affiliation with Applicant would afford the Kewaskum area the benefit of a more meaningful competitive alternative to the two larger banks serving that area.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not have significant adverse effects on competition in any relevant area. The banking factors, as they relate to Applicant, its subsidiaries, and Bank are consistent with approval of the application. Furthermore, although it appears that all major banking requirements of the Kewaskum area currently are being adequately served, consummation of the proposal would enable Bank to expand and improve the services which it offers. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth above, that said application be and hereby is approved: *Provided,* That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[1] November 19, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-15886; Filed, Nov. 25, 1970; 8:46 a.m.]

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Maisel, and Sherrill. Absent and not voting: Chairman Burns and Governors Daane and Brimmer.

VIRGINIA COMMONWEALTH BANKSHARES, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Virginia Commonwealth Bankshares, Inc., Richmond, Va., for approval of acquisition of 100 percent of voting shares of the successor by merger to The Merchants and Farmers Bank of Galax, Va.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and §222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of Virginia Commonwealth Bankshares, Inc., Richmond, Va. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 100 percent of the voting shares of a new insured nonmember bank into which would be merged The Merchants and Farmers Bank of Galax, Galax, Va. (Galax Bank). The new bank has significance only as a means of acquiring all of the shares of the bank to be merged into it; the proposal is therefore treated herein as one to acquire shares of Galax Bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banking for the State of Virginia and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on August 27, 1970 (35 F.R. 13673), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant, the fourth largest banking organization in Virginia, controls 12 banks with aggregate deposits of $581 million, representing 8.1 percent of the total commercial bank deposits in the State. (All banking data are as of Dec. 31, 1969, adjusted to reflect holding company formations and acquisitions approved by the Board to date.) The acquisition of Galax Bank, with deposits of approximately $15 million, would increase Applicant's control of deposits in the State by 0.2 percentage points. Applicant's relative ranking among banking organizations would remain unchanged.

Galax Bank is situated in the independent city of Galax in the southwestern section of Virginia, and serves an area which includes the city and the greater part of Carroll and Grayson Counties. Galax Bank, with control of slightly over 24 percent of area deposits, is the second largest of the five independent banks in the area, the largest and third largest controlling, respectively, close to 32 and 21 percent of the total area deposits.

Applicant's subsidiary bank located nearest to Galax Bank is 39 miles to the northeast in the city of Pulaski, Va.; and communities with alternative banking facilities are located in the intervening area. There is no meaningful competition between Applicant's present subsidiaries and Galax Bank, and it does not appear that consummation of this proposal would foreclose potential competition, or have any adverse effect on competing banks.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area. The financial condition of Applicant appears to be reasonably satisfactory. The Board has considered Applicant's long-term debt position and its commercial paper outstanding together with all the facts in the record, including the earnings record of the system, Applicant's apparent ability to service its debt, Applicant's plans for increasing the capital of its subsidiary banks, and concludes that Applicant's debt position does not preclude approval of the application herein. Management throughout Applicant's system is considered capable and progressive, and prospects for the group appear favorable. The banking factors as they pertain to Applicant, its subsidiaries, and Galax Bank are consistent with approval of the application, and Applicant's projected increase in the capital of Galax Bank and Applicant's ability to supply management as needed lend some weight in favor of approval. Considerations relating to the convenience and needs aspects of this proposal also lend support in favor of approval because Applicant, through its subsidiaries, would be in a position to furnish a variety of specialized services to the Galax area, which is expanding industrially. These services include factoring, equipment leasing, trust services, and expertise in the consumer credit field. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized above, that said application be and hereby is approved: *Provided,* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[1] November 19, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-15887; Filed, Nov. 25, 1970; 8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Reg.; Temporary Reg. F-78]

SECRETARY OF DEFENSE

Delegation of Authority

NOVEMBER 19, 1970.

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in a water rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the Montana Public Service Commission in a proceeding (Docket No. 6057) involving the extension of temporary water rates of the city of Great Falls.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: November 19, 1970.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 70-15897; Filed, Nov. 25, 1970; 8:46 a.m.]

[Federal Property Management Regs.; Temporary Reg. F-79]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in a natural gas rate proceeding.

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[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Daane.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the Georgia Public Service Commission in a rate proceeding involving natural gas rates of the Atlanta Gas Light Co. (Docket No. 2187–U).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: November 19, 1970.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 70–15898; Filed, Nov. 25, 1970; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[811–1795]

COLONIAL HEDGEFUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

NOVEMBER 19, 1970.

Notice is hereby given that Colonial Hedgefund, Inc. (Applicant), 75 Federal Street, Boston, MA 02110, a management open-end, diversified investment company registered under the Investment Company Act of 1940 (Act), his filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant was organized on December 17, 1968, under the laws of the State of Massachusetts and registered under the Act January 2, 1969. Applicant represents that as of October 23, 1970, all of its outstanding securities, a total of 48,220 shares (exclusive of shares held in its treasury), are owned by 90 persons. Applicant also represents that it is not now making and does not propose to make any public offering of its securities.

Section 3(c)(1) of the Act excepts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may not later than December 7, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70–15905; Filed, Nov. 25, 1970; 8:47 a.m.]

[812–2816]

CONSOLIDATED EUREKA MINING CO.

Notice of Application for Order of Temporary Exemption

NOVEMBER 20, 1970.

Notice is hereby given that Consolidated Eureka Mining Co. (Applicant), 605 Kearns Building, Salt Lake City, UT 84101, a Utah corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order of the Commission temporarily exempting it from the provisions of section 7 of the Act, until such time as the Commission has acted upon the application under section 3(b)(2) filed by Applicant on September 8, 1970. Applicant, in requesting such temporary exemption, has agreed that Applicant and other persons in their transactions and relations with it shall be subject to all other provisions of the Act and the respective rules and regulations promulgated under each of such provisions as though Applicant were a registered investment company, other than the following: Section 8; subsection (a) and (b)(3) of section 10; section 13(a)(2); subsection (f) and (g) of section 17; section 20(a); section 30 and section 31 of the Act, and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations, which are summarized below.

On September 8, 1970, Applicant filed an application pursuant to section 3(b)(2) of the Act for an order of the Commission declaring that it is not an investment company. Section 3(b)(2) provides that the filing of an application thereunder shall exempt the Applicant for a period of 60 days from all provisions of the Act applicable to investment companies as such.

The 60-day period of exemption provided in section 3(b)(2) expired, in Applicant's case, on November 7, 1970. Applicant, which has not registered as an investment company under the Act, has asked that it be exempted as requested until the Commission has acted upon the application under section 3(b)(2) of the Act.

Section 6(c) provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(e) provides that, if, in connection with any order under section 6 exempting any investment company from section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of the Act pertaining to registered investment companies shall be applicable in respect of such company, the provisions so specified shall apply to such company, and to other persons in their transactions and relations with such company, as though such company were a registered investment company.

Notice is further given that any interested person may, not later than December 10, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof

of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70–15906; Filed, Nov. 25, 1970; 8:47 a.m.]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

NOVEMBER 20, 1970.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities and Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 22, 1970, through December 1, 1970, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70–15902; Filed, Nov. 25, 1970; 8:47 a.m.]

[812–2832]

E. F. HUTTON TAX-EXEMPT FUND

Notice of Filing of Application for Order of Exemption

NOVEMBER 20, 1970.

Notice is hereby given that E. F. Hutton Tax-Exempt Fund (Applicant), c/o E. F. Hutton & Co., Inc., One Chase Manhattan Plaza, New York, NY 10005, a unit investment trust registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicant from compliance with the provisions of section 14(a) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant includes California Series 1, New York Series 1 and all subsequent series named "E. F. Hutton Tax-Exempt Fund." Each Series will be governed by a Trust Agreement under which E. F. Hutton & Co., Inc., will act as Sponsor and the United States Trust Company of New York will act as Trustee. The Trust Agreement for each Series will contain terms and conditions of trust common to all Series. Pursuant to each such Trust Agreement, the Sponsor will deposit with the Trustee between $2 million and $10 million principal amount of bonds for each Series which the Sponsor shall have accumulated for such purpose and simultaneously with such deposit will receive from the Trustee registered certificates for between 2,000 and 10,000 units which will represent the entire ownership of a Series. Applicant proposes to offer such units for sale to the public and for this purpose registration statements under the Securities Act of 1933 have been filed which have not yet become effective. The Trust Agreement does not provide for the issuance of additional units. The proceeds of bonds which may be sold, redeemed, or which mature will be distributed to unit holders.

Units in each Series will remain outstanding until redeemed or until the termination of the Trust Agreement, which may be terminated by 100 percent agreement of the unit holders of the particular Series, or, in the event that the value of the bonds shall fall below $2 million, upon direction of the Sponsor. The Trust Agreement must be terminated if the value of the bonds shall fall below $1 million. In connection with the requested exemption, the Sponsor has agreed to refund the sales load to purchasers of units, if within 90 days after the registration of a Series under the Securities Act becomes effective, the net worth of that Series shall be reduced to less than $100,000 or if the Series is otherwise terminated. In addition, it is the Sponsor's intention to maintain a market for the units of each Series and continually to offer to purchase such units at prices in excess of the redemption price as set forth in the Trust Agreement, although the Sponsor is not obligated to do so.

Section 14(a) of the Act requires that a registered investment company (a) have a net worth of at least $100,000 prior to making a public offering of its securities, (b) have previously made a public offering and at that time have had a net worth of $100,000, or (c) have made arrangements for at least $100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 4, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70–15904; Filed, Nov. 25, 1970; 8:47 a.m.]

[811–1631]

GREAT PLAINS VARIABLE ANNUITY FUND A

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

NOVEMBER 20, 1970.

Notice is hereby given that Great Plains Variable Annuity Fund A (Applicant), 2715 East Kellogg Street, Wichita, KS 67211, a Kansas corporation registered as a management open-end diversified investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant represents that subsequent to registering under the Act on July 5, 1968, it has determined not to proceed

with a proposed public offering of Applicant's securities. Applicant also represents that no offering of its securities was ever made to the general public and that it has no securities outstanding. Applicant's registration statement under the Securities Act of 1933 was withdrawn on November 17, 1970.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 11, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70–15907; Filed, Nov. 25, 1970; 8:45 a.m.]

[811–954]

NEW CAPITAL FOR SMALL BUSINESSES, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

NOVEMBER 19, 1970.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 (Act) for an order of the Commission declaring that New Capital for Small Businesses, Inc. Capital, c/o Morton D. Kirsch, 235 Montgomery Street, San Francisco, CA 94104, registered under the Act as a closed-end nondiversified management investment company, has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Capital was organized on February 9, 1960, under the laws of the State of California, and registered under the Act on June 22, 1960. It was also licensed as a small business investment company under the Small Business Investment Act of 1958. The application, which was filed on behalf of Capital by its former president, represents that on or about August 21, 1968, Capital ceased active business, and thereafter all its efforts were directed toward converting its assets to cash. On February 20, 1969, a judgment was entered against Capital in the U.S. District Court for the Northern District of California which declared that Capital was indebted to the Small Business Administration in the total sum of $240,274.99. The judgment directed Capital promptly to assign all its funds, assets and property to the Small Business Administration, and to surrender its license to conduct a small business investment company.

The application further represents that Capital liquidated all its assets on or about May 8, 1969, and transferred all its assets to the Small Business Administration in full settlement of its obligation. On May 13, 1969, the United States of America, as plaintiff in the action, acknowledged full satisfaction of the judgment. Subsequent to the liquidation and transfer of assets, the application states that Capital retained only a small sum of cash to cover the legal expenses of dissolution.

The terms of the judgment required Capital to terminate its corporate existence. The application states that Capital's board adopted a resolution to wind up and dissolve on November 17, 1969 and, thereafter, shareholders approved such procedure. A certificate of Election To Wind Up and Dissolve was filed with the California Secretary of State on December 1, 1969, after which notice of the commencement of such proceedings was mailed to all 77 shareholders at their last known addresses. The final Certificate of Winding Up and Dissolution was filed with the California Secretary of State on December 19, 1969, at which time under California law the corporate existence of Capital ceased.

The application alleges that there were no undischarged liabilities; that no distributions or liquidating dividends were paid to shareholders since all assets went to the Small Business Administration; and that the only expense incurred in connection with the dissolution were legal fees and costs of $255.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order, the registration of such company shall cease to be in effect, and that, if necessary for the protection of investors, such order may be made upon appropriate conditions.

Notice is further given that any interested person may, not later than December 10, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Capital at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70–15908; Filed, Nov. 25, 1970; 8:47 a.m.]

[70–4940]

OHIO POWER CO. ET AL.

Notice of Proposed Issue and Sale of Notes to Banks and Open Account Advances

NOVEMBER 20, 1970.

In the matter of Ohio Power Co., 301 Cleveland Avenue, SW., Canton, OH 44702; Appalachian Power Co., 40 Franklin Road, Roanoke, VA 24009; and Central Coal Co., Post Office Box 190, New Haven, WV 25265.

Notice is hereby given that Appalachian Power Co. (Appalachian) and Ohio Power Co. (Ohio Power), electric utility subsidiary companies of American Electric Power Co., Inc., a registered holding company, and Central Coal Co. (Central Coal), one-half of the capital stock of which is owned by Ohio Power and the other half by Appalachian, have filed a joint application-declaration and

amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6, 7, and 12 of the Act as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Central Coal proposes to issue and sell to banks, from time to time prior to December 31, 1973, short-term promissory notes in an amount not to exceed $5 million outstanding at any one time. The notes will bear varying maturities (but in no event longer than 1 year), will bear interest at the prime commercial bank rate and will be prepayable, at any time, without premium or penalty. The names of the banks are to be provided by amendment. If the banks require, Ohio Power and Appalachian propose to guarantee the notes, each guaranteeing not more than one-half of the notes outstanding at any time.

Ohio Power and Appalachian propose, to the extent Central Coal is unable to obtain funds from banks, to make open account advances to Central Coal prior to December 31, 1973, in an amount not to exceed $5 million outstanding at any one time. In no event will the aggregate amount of bank notes and open account advances outstanding at any one time exceed $5 million. The advances will be made by Ohio Power and Appalachian in equal amounts and will bear interest at the prime rate in effect from time to time at Manufacturers Hanover Trust Co. Central Coal proposes to repay such notes and advances, from time to time as coal is mined, on or before December 31, 1990, from internal cash resources, cash capital contributions or the issuance and sale of such securities as the Commission may authorize.

Central Coal will use the proceeds of the proposed notes and advances to develop and mine coal reserves in Mason County, W. Va., and Meigs County, Ohio, presently owned by Central Coal, Ohio Power, or Appalachian, which reserves are estimated at 35 million tons. The cost of development and equipment for the mining operations is estimated to be $5 million. The coal mined by Central Coal will be for use primarily at the Philip Sporn Generating Plant (Sporn Plant) owned by Ohio Power and Appalachian. It is stated that in 1953, Central Coal's operations were halted because, at that time, the cost of mining coal by Central Coal would have resulted in more expensive coal than could be purchased on the open market for use at the Sporn Plant. It is further stated that the price of purchased coal has continually increased during the last year or more, and is presently increasing almost on a month-to-month basis. Furthermore, costs of transporting coal have been continually on the rise, and between 1965 and 1970, the delivered price of coal to the Sporn Plant has increased 42 percent. In addition, if coal supply conditions make it desirable, some of the coal may be sold to other of the public-utility subsidiary companies of AEP. None of such coal will be sold to anyone other than such companies.

The price at which the coal will be sold will be an amount equal to Central Coal's cost (including interest and appropriate overhead) to mine, prepare, and deliver the coal, plus such amount as will produce the maximum allowable annual net income (after provision for Federal income taxes) for Central Coal established in the Commission's order of April 30, 1948 (Holding Company Act Release No. 8173), which is 6 percent of Appalachian's and Ohio Power's equity investment therein.

The application-declaration states that the State Corporation Commission of Virginia and the Public Service Commission of West Virginia have jurisdiction over the open-account advances and any guarantee of Central Coal's notes by Appalachian. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is stated that fees and expenses to be incurred by Appalachian in connection with the proposed transactions are estimated not to exceed $1,000.

Notice is further given that any interested person may, not later than December 11, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-15901; Filed, Nov. 25, 1970; 8:47 a.m.]

[File No. 2-38321 (22-6381)]

PAN AMERICAN WORLD AIRWAYS, INC.

Notice of Application and Opportunity for Hearing

NOVEMBER 18, 1970.

Notice is hereby given that Pan American World Airways, Inc. (the Applicant) his filed an application pursuant to section 310(b)(1)(ii) of the Trust Indenture Act of 1939, as amended (the Act), for a finding by the Securities and Exchange Commission (the Commission) that the trusteeships of Bank of America National Trust and Savings Association (Bank of America) under an existing indenture and under a proposed indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Bank of America from acting as trustee under such indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in such section) it shall within 90 days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same obligor are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the same obligor are outstanding, if the obligor shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trustee ship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

Applicant alleges that:

1. Applicant, a New York corporation, intends to file with the Commission, a registration statement on Form S-1 covering a proposed issue of Guaranteed Loan Certificates, in the aggregate principal amount of $87,375,000. The Guaranteed Loan Certificates are to be issued pursuant to a proposed trust indenture and mortgage, to be qualified under the Act, among Bankers Trust Co., as Owner Trustee, Bank of America as indenture trustee, and the Applicant as Guarantor.

2. The Applicant desires to appoint Bank of America to act as trustee under the proposed indenture.

3. Bank of America presently is acting as trustee under a Trust Indenture and Mortgage dated as of October 29, 1970

(October Indenture) relating to an issue of 11¼ percent Guaranteed Loan Certificates due October 29, 1986. The 11¼ percent Guaranteed Loan Certificates are secured by a mortgage on specified aircraft and an assignment of the lessor's rights under the lease, and are unconditionally guaranteed by the Applicant.

4. The Guaranteed Loan Certificates to be issued under the proposed indenture are to provide long-term financing for 75 percent of the purchase price of a second group of 5 Boeing 747 aircraft purchased by Bankers Trust Co. acting as trustee for Manufacturers Hanover Trust Co. (Manufacturers) and leased to the Applicant under a lease agreement dated as of April 24, 1970. Such Guaranteed Loan Certificates will be secured by a mortgage on the second group of 5 aircraft and an assignment of the lessor's rights under the April 24, 1970 lease, and will be unconditionally guaranteed by the Applicant. The trust agreement between Bankers Trust Co. and Manufacturers, the lease, and the other documents relating to the Guaranteed Loan Certificates are similar in all material respects to the comparable documents referred to in paragraph 3 above. The proposed indenture will be similar in all material respects to the October Indenture.

5. Bankers Trust Co. has no beneficial interest in the aircraft mortgaged under the October Indenture or the aircraft to be mortgaged under the proposed indenture, and in each case its functions are limited to the performance of specified duties as trustee for the beneficial owner of the respective aircraft.

6. The 11¼ percent Guaranteed Loan Certificates issued under the October Indenture are, and the Guaranteed Loan Certificates to be issued under the proposed indenture will be, secured by mortgages recorded under the Federal Aviation Act of 1958 on separate and distinct aircraft leased to the Applicant. The aircraft mortgaged under the October Indenture are beneficially owned by First National City Bank and those to be mortgaged under the proposed indenture are beneficially owned by Manufacturers. Should the trustee have occasion to proceed against the security under one of the indentures, such action would not affect the security or the use of any securities under the other indenture or prejudice the rights of loan certificate holders under the other indenture. Since the existence of the trusteeship under either indenture should in no way inhibit or discourage the trustee's actions under the other indenture, trusteeship under the two indentures would not result in a material conflict of interest. Moreover, the proposal that Bank of America serve as trustee under both the October Indenture and the proposed indenture is analogous to the situation contemplated by section 310(b)(1)(C) of the Act permitting the same person to act as trustee under two or more indentures which are wholly secured by separate and distinct parcels of real estate.

7. The Applicant is not in default under the October Indenture or under any indenture or other instrument for borrowed money.

The Applicant has waived notice of hearing, hearing, and any and all rights to specify procedures under the rules of practice of the Commission with respect to the application.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to the application, which is a public document on file in the offices of the Commission at 500 North Capitol Street NW., Washington, DC 20549.

Notice is further given that any interested person may, not later than December 4, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, DC 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-15909; Filed, Nov. 25, 1970; 8:47 a.m.]

[File No. 500-1]

PICTURE ISLAND COMPUTER CORP. Order Suspending Trading

NOVEMBER 20, 1970.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in trading in the common stock Picture Island Computer Corp. (a New York corporation) and all other securities of Picture Island Computer Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 22, 1970, through December 1, 1970, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-15903; Filed, Nov. 25, 1970; 8:47 a.m.]

[812-2815]

TINTIC STANDARD MINING CO.

Notice of Application for Order of Temporary Exemption

NOVEMBER 20, 1970.

Notice is hereby given that Tintic Standard Mining Co. (Applicant), 111 Walker Bank Building, Salt Lake City, UT 84111, a Utah corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order of the Commission temporarily exempting it from the provisions of section 7 of the Act, until such time as the Commission has acted upon the application under section 3(b)(2) filed by Applicant on September 8, 1970. Applicant, in requesting such temporary exemption, has agreed that Applicant and other persons in their transactions and relations with it shall be subject to all other provisions of the Act and the respective rules and regulations promulgated under each of such provisions as though Applicant were a registered investment company, other than the following: Section 8; section 13(a)(2), subsections (f) and (g) of section 17; section 20(a); section 30, and section 31 of the Act, and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations, which are summarized below.

On September 8, 1970, Applicant filed an application pursuant to section 3(b)(2) of the Act for an order of the Commission declaring that it is not an investment company. Section 3(b)(2) provides that the filing of an application thereunder shall exempt the Applicant for a period of 60 days from all provisions of the Act applicable to investment companies as such.

The 60-day period of exemption provided in section 3(b)(2) expired, in Applicant's case, on November 7, 1970. Applicant, which has not registred as an investment company under the Act, has asked that it be exempted as requested until the Commission has acted upon the application under section 3(b)(2) of the Act.

Section 6(c) provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(e) provides that, if, in connection with any order under section 6 exempting any investment company from section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of the Act pertaining to registered investment companies shall be applicable in respect to such company, the provisions so specified shall apply to such company, and to

other persons in their transactions and relations with such company, as though such company were a registered investment company.

Notice is further given that any interested person may, not later than December 10, 1970, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addresed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70–15910; Filed, Nov. 25, 1970; 8:47 a.m.]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

DEBBIE COAL CO.

Application for Renewal Permit; Notice of Opportunity for Public Hearing

Application for a Renewal Permit for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.^{3}) has been accepted for consideration as follows:

(1) ICP Docket File No. 10747, Debbie Coal Co., Mine No. 1, USBM ID No. 46 00588 0, Jaeger, McDowell County, W. Va., Section ID No. 001 (3 Main).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91–173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

NOVEMBER 20, 1970.

[F.R. Doc. 70–15914; Filed, Nov. 25, 1970; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

FIRST INDUSTRIES CAPITAL CORP.

Notice of Surrender of License of Small Business Investment Company

Notice is hereby given that First Industries Capital Corp. (First Industries), Post Office Box 1925, Oklahoma City, OK 73107, has, pursuant to § 107.105 of the regulations governing small business investment companies (33 F.R. 326, 13 CFR Part 107), surrendered its license to operate as a small business investment company.

First Industries was incorporated March 28, 1962, under the laws of the State of Oklahoma, and issued license No. 10–0093 by the Small Business Administration on April 23, 1962.

First Industries was licensed to operate solely under the Small Business Investment Act of 1958, as amended (15 U.S.C., 661 et seq.).

Under the authority vested by the Small Business Investment Act of 1958, as amended, and the regulations promulgated thereunder, the surrender of the license of First Industries is hereby accepted, and accordingly, it is no longer licensed to operate as a small business investment company.

A. H. SINGER,
Associate Administrator for Investment.

NOVEMBER 13, 1970.

[F.R. Doc. 70–15900; Filed, Nov. 25, 1970; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 107]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

The following applications are governed by Special Rule 247[1] of the Commission's general rules of practice (49 CFR 1100.247, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 200 (Sub-No. 243), filed October 26, 1970. Applicant: RISS INTERNATIONAL CORPORATION, 100 West 10th Street, Wilmington, DE 19801. Applicant's representative: Rodger J. Walsh, Suite 1200, Temple Building, 903 Grand Avenue, Kansas City, MO 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods*, from the plantsite of Ocomo Foods Co., Shelbyville, Tenn., and storage facilities used by Ocomo Foods Co., at Jackson, Tenn., to points in Arkansas, Iowa, Kansas, Minnesota, Missouri, Oklahoma, North Dakota, Nebraska, South Dakota, Texas, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 2754 (Sub-No. 18), filed November 5, 1970. Applicant: NEUENDORF TRANSPORTATION CO., a corporation, 121 South Stoughton Road, Madison, WI 53714. Applicant's representative: Michael J. Wyngaard, 125 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Madison and Milwaukee, Wis., in connection with carrier's authorized regular-route operations, serving no intermediate points; from Madison over Interstate Highway 94 to Milwaukee and return over the same route. RESTRICTION: Restricted to shipments received from or delivered to connecting carriers at Milwaukee, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 4687 (Sub-No. 8), filed October 27, 1970. Applicant: BURGESS & COOK, INC., 21 North Second Street, Post Office Box 458, Fernandina Beach, FL 32034. Applicant's representative: Archie B. Culbreth, Suite 417, 1252 West Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyethelene; or polystyrene plastic products; such as plastic garbage bags; trash can liners; food bags; produce bags; laundry and dry cleaning bags; expanded plastic foam egg cartons; meat and produce trays; paper tie bands; iron or steel store display racks, and steel refuse bags or sack holding racks or stands*, from Covington, Ga., to points in Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Jacksonville, Fla.

No. MC 8535 (Sub-No. 33), filed October 22, 1970. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INC., 2700 Broening Highway, Baltimore, MD 21222. Applicant's representative: John Guandolo, 1000 16th Street, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, composition board, panels, cabinets, molding, and accessories*, from Chesapeake, Va., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 11722 (Sub-No. 22), filed October 22, 1970. Applicant: BRADER HAULING SERVICE, INC., Post Office Box 655, Zillah, WA 98953. Applicant's representative: Ronald R. Brader (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Empty metal cans, crowns, and ends*, from Daly City, Calif., to points in Oregon west of the Cascade Mountain Crest and to points in Washington; and (2) *returned damaged or rejected shipments* from the above points to Daly City, Calif., on return. Applicant presently holds contract carrier authority under its No. MC 124658 Subs 2 and 4, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Yakima, Wash.

No. MC 14552 (Sub-No. 39) (Correction), filed October 28, 1970, published in the FEDERAL REGISTER issue of November 19, 1970, and republished as corrected this issue. Applicant: J. V. McNICHOLAS TRANSFER COMPANY, a corporation, 555 West Federal Street, Youngstown, OH 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel pipe, conduit, metallic tubing, and fittings therefor*, from the plantsite of Youngstown Sheet & Tube Co. at Youngstown, Struthers, and Campbell, Ohio, The Edward Corp. at Warren, Ohio, and the Van Huffel Tube Co. at Warren, Ohio; and (2) *iron and steel and iron and steel articles*, from St. Louis, Mo., and the plantsite of Youngstown Sheet Tube Co. at Indiana Harbor, Ind., to points in Ohio. NOTE: Applicant states that the requested authority in Part (1) can be tacked with MC 14552 so as to serve from points in northwestern Pennsylvania and northeastern Ohio and the panhandle of West Virginia to points in Missouri, and in Part (2) with MC 14552 so as to serve northeastern Ohio, northwestern Pennsylvania and the panhandle of West Virginia. It can also be tacked with MC 14552 (Sub-No. 26) so as to transport pipe to points in Connecticut, Delaware, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin, and the District of Columbia. Applicant holds contract carrier authority under MC 123991 and Subs thereunder, therefore, dual operations may be involved. The purpose of this republication is to add the additional origin in (1) above The Van Huffel Tube Co. at Warren, Ohio, which was inadvertently omitted in previous publication. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 30092 (Sub-No. 19), filed October 21, 1970. Applicant: HERRETT TRUCKING COMPANY, INC., Post Office Box 539, Sunnyside, WA 98944. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, OR 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, and (2) *bananas and commodities* described in section 203(b)(6) of the Interstate Commerce Act when being simultaneously transported on the same vehicle, from points in California and Washington, to the international boundary line between the United States and Canada, in the States of Washington, Idaho, and Montana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 30383 (Sub-No. 6), filed October 28, 1970. Applicant: JOSEPH F. WHELAN CO., INC., 439 West 54th Street, New York, NY 10019. Applicant's representative: Herbert Burstein, 30 Church Street, New York, NY 10007. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by grocery stores, between Moonachie, N.J., on the one hand, and, on the other, New York, N.Y., under a continuing contract with Kellogg Sales Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 30837 (Sub-No. 408) (Amendment), filed September 30, 1970, published in the FEDERAL REGISTER issue of October 22, 1970, and republished as amended this issue. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, WI 53141. Applicant's representative: Paul F. Sullivan, Washington Building, 15th and New York Avenue NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks, truck tractors, chassis, and station wagon type vehicles* on truck chassis designed to transport passengers and property, with or without bodies and parts thereof, in secondary movements, in truckaway service, from Selkirk, N.Y., and points within 20 miles of Selkirk, to points in Connecticut, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont, restricted to the transportation of vehicles manufactured or assembled at International Harvester Co. plants at Fort Wayne, Ind.; Springfield, Ohio; San Leandro, Calif.; and Chatman, Ontario, Canada; which have had an immediately prior movement by rail or by truck. NOTE: Applicant states that the requested authority cannot be

tacked with its existing authority. The purpose of this republication is to broaden the origin by adding "points within 20 miles of Selkirk, N.Y." If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30844 (Sub-No. 332), filed November 2, 1970. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, IA 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, commodities in bulk, in tank vehicles), and *equipment, materials, and supplies* used in the conduct of meat packing businesses, between the plantsite and facilities of Illini-Beef Packers, Inc., at or near Joslin, Ill., on the one hand, and, on the other, points in Connecticut, Delaware, the District of Columbia, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 30844 (Sub-No. 333), filed November 2, 1970. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial, Waterloo, IA 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles) from Luverne, Minn., to points in Delaware, Connecticut, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Minneapolis, Minn.

No. MC 31799 (Sub-No. 5), filed November 3, 1970. Applicant: HELLMAN TRUCKING CO., INC., Pilot Grove, IA 52648. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel grain bins and livestock buildings, steel grain handling equipment, steel buildings, steel garages, steel utility buildings, steel trusses and building frames, and lumber, and parts and accessories* for each of the described commodities, from Houghton, Iowa, to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies* (including lumber) used in the manufacture, processing, sale, and distribution of the above-named commodities, from points in the United States (except Alaska and Hawaii), to Houghton, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 35320 (Sub-No. 121) (Correction), filed October 1, 1970, published in FEDERAL REGISTER Issue of October 29, 1970, and republished as corrected this issue. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, Post Office Box 2550, Lubbock, TX 79408. Applicant's representatives: W. D. Benson, Post Office Box 6723, Lubbock, TX 79413, and Frank M. Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, livestock, gasoline, coal, sand and gravel, portland cement, articles of unusual value, automobiles, those injurious or contaminating to other lading, commodities requiring mechanical refrigeration of temperature control other than those moving on Government bills of lading, and trucks and buses other than those moving on Government bills of lading), between Salt Lake City, Utah, and Sacramento, Calif., from Salt Lake City over U.S. Highway 40 (also over Interstate Highway 80) to Sacramento and return over the same routes serving no intermediate points and serving Salt Lake City and Sacramento for the purpose of joinder only, as an alternate route for operating convenience only in connection with carrier's otherwise authorized regular route operations, restricted to the transportation of traffic to or from Kansas City, Mo., or points on carrier's authorized routes east of Kansas City, Mo. NOTE: Common control may be involved. The purpose of this republication is to correct certain typographical errors which were inadvertently made in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or any location convenient to the Commission.

No. 42487 (Sub-No. 764), filed October 29, 1970. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, IL 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of K. I. Willis Corp., located on Illinois Highway 92, approximately 4,000 feet west of the city limits of Rock Island, Ill., as an off-route point in connection with its presently held regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rock Island or Chicago, Ill.

No. MC 42487 (Sub-No. 766), filed November 2, 1970. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, a corporation, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: Eugene T. Liipfert, Suite 1100, 1660 L Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment); (1) between Memphis, Tenn., and New Orleans, La., from Memphis over U.S. Highway 51 to junction U.S. Highway 51 and U.S. Highway 61 near Laplace, La., thence over U.S. Highway 61 to New Orleans, and return over the same route, serving the intermediate point of Jackson, Miss.; (2) between Memphis, Tenn., and New Orleans, La., from Memphis over U.S. Highway 61 to New Orleans, and return over the same route, serving the intermediate point of Baton Rouge, La., and serving Geismar and Plaquemine, La., as off-route points; and (3) between the junction of U.S. Highway 190 and U.S. Highway 61 (at or near Baton Rouge, La.) and junction of U.S. Highway 190 and U.S. Highway 51 (near Hammond, La.) over U.S. Highway 190 to the junction of U.S. Highway 190 and U.S. Highway 51, and return over the same route, as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 47203 (Sub-No. 1), filed November 2, 1970. Applicant: PETROLEUM CARRIERS, INC., 86 Westboro Road, North Grafton, MA 01536. Applicant's representative: Arthur A. Wentzell, Post Office Box 764, Worcester, MA. 01613. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, in bundles or loose, to be transported in dump vehicles, from Worcester, Mass., to Providence and East Providence, R.I. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston or Worcester, Mass.

No. MC 51574 (Sub-No. 1), filed November 2, 1970. Applicant: McLAUGHLIN DRAYING CO., a corporation, 855 Riske Lane, West Sacramento, CA 95691. Applicant's representative: Raymond A. Greene, Jr., 405 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint*, from Sacramento

and West Sacramento, Calif., to points in Siskiyou, Modoc, Shasta, Lassen, Tehama, Plumas, Lake, Glenn, Butte, Sierra, Nevada, Yuba, Sutter, Colusa, Sonoma, Napa, Yolo, Placer, El Dorado, Sacramento, Solano, Calaveras, Contra Costa, San Joaquin, Amador, Alpine, Tuolumme, Stanislaus, Merced, Mariposa, Madera, and Fresno Counties, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sacramento or San Francisco, Calif.

No. MC 52574 (Sub-No. 42), filed November 2, 1970. Applicant: ELIZABETH FREIGHT FORWARDING CORP., 120 South 20th Street, Irvington, NJ 07111. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Bakery products;* (1) from Irvington and Wayne, N.J., to Mansfield, Mass.; (2) from Wayne, N.J., to points in Pennsylvania on and east of U.S. Highway 15, Baltimore, Md., and Washington, D.C.; and (B) *stale or damaged bakery products*, from Mansfield, Mass., to Irvington and Wayne, N.J., for the account of Drake Bakeries, a division of Borden, Inc. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 59292 (Sub-No. 26), filed October 22, 1970. Applicant: THE MARYLAND TRANSPORTATION COMPANY, a corporation, 1111 Frankfurst Avenue, Baltimore, MD 21225. Applicant's representative: Spencer T. Money, 110 Park Lane Building, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container ends, and accessories, materials, equipment, and supplies* used in the sale, manufacture, and distribution of container and container ends, between points in New York, Pennsylvania, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Ohio, West Virginia, Maryland, District of Columbia, New Jersey, Delaware, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Baltimore, Md.

No. MC 64651 (Sub-No. 8), filed October 14, 1970. Applicant: STAR TRANSIT CO., INC., 4710 Hollins Ferry Road, Baltimore, MD. Applicant's representative: M. Bruce Morgan, 201 Azar Building, Glen Burnie, MD 21061. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except in bulk in tank vehicles, between Baltimore and Hagerstown, Md., on the one hand, and, on the other, points in Pennsylvania, east of the Susquehanna River, and points in New York within 150 miles of Newark, N.J. NOTE: Applicant states no new authority is being sought. It presently holds this authority via gateway parts of Cumberland and Salem Counties, N.J., and seeks traversal between Baltimore and Hagerstown, Md., on the one hand, and Maryland-Pennsylvania State line for operating convenience and to provide a more economical and safer operation. Applicant states that the requested authority cannot be tacked with its existing authority. No duplicate authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Baltimore, Md.

No. MC 66129 (Sub-No. 6), filed November 2, 1970. Applicant: HUGHES BROS. TRANSPORTATION CO., INC., 113 Metropolitan Avenue, Brooklyn, NY Applicant's representative: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, NY 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printing ink*, in bulk, tank vehicles from Lodi, N.J., to Atglen, Pa.; and (2) *contaminated and returned shipments of printing ink*, from Atglen, Pa., to Lodi, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 73688 (Sub-No. 43), filed October 27, 1970. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Avenue, Post Office Box 7182, Memphis, TN 38107. Applicant's representative: Charles H. Hudson, 833 Stahlman Building, Nashville, TN 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, from points in Mississippi and Arkansas to Memphis, Tenn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 75320 (Sub-No. 155), filed November 4, 1970. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., Post Office Box 807, Springfield, MO 65801. Applicant's representative: P. E. Adams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, dangerous explosives, household goods as defined by the Commission, commodities of unusual value, and those injurious or contaminating to other lading); (1) from the junction of U.S. Highway 65 and U.S. Highway 80 at or near Tallulah, La., thence over U.S. Highway 80 (or Interstate Highway 20 where completed) to junction U.S. Highway 71, thence over U.S. Highway 71 to junction U.S. Highway 82, thence over U.S. Highway 82 to Wichita Falls, Tex., and return over the same route, serving no intermediate points. Service at the junctions U.S. Highway 65 and U.S. Highway 80 at or near Tallulah, La., for the purpose of joinder only; and (2) from Natchez, Miss., over U.S. Highway 84 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction U.S. Highway 80, thence over U.S. Highway 80 (or Interstate Highway 20 where completed) to junction U.S. Highway 81, thence over U.S. Highway 81 to junction U.S. Highway 287, thence over U.S. Highway 287 to Wichita Falls, Tex., and return over the same route, serving no intermediate points. Restriction: Routes (1) and (2) are restricted to the transportation of traffic moving to, from, or through points of Anniston, Ala., or its commercial zone; Birmingham, Ala., or its commercial zone; Atlanta, Ga., or its commercial zone; Hattiesburg, Laurel, McComb, Brookhaven, and Columbus, Miss., and points in each of their commercial zones. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Little Rock, Ark.

No. MC 75941 (Sub-No. 2), filed October 23, 1970. Applicant: RICHTER INTERSTATE CARRIERS, INC., 1249 West Seventh Street, Cincinnati, OH 45203. Applicant's representative: Earl J. Thomas, 5850 North Highway Street, Worthington, OH 43085. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brewers malt and brewers grits*, in bulk, in gravity flow tanks or covered dump type vehicles, from Indianapolis, Ind., to points in Hamilton County, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at (1) Cincinnati, Ohio; or (2) Columbus, Ohio, or Washington, D.C.

No. MC 82841 (Sub-No. 76), filed November 2, 1970. Applicant: HUNT TRANSPORTATION, INC., 801 Livestock Exchange Building, Omaha, NE 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, NE 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from St. Louis, Mo., and St. Louis commercial zone to points in Nebraska and Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 85934 (Sub-No. 59), filed October 30, 1970. Applicant: MICHIGAN TRANSPORTATION CO., a corporation, 3601 Wyoming, Dearborn, MI 48120. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products, composition roofing products and materials; composition boards; urethane and urethane products; insulating materials; and related materials and accessories* use din the instalation of said products, from Port Clinton, Ohio, to points in Indiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 94201 (Sub-No. 93), filed October 22, 1970. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud

Avenue, Gadsden, AL 35903. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, AL 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products;* (1) from the plantsites, warehouses, storage, and shipping facilities of Terminal Paper Bag Co. at or near Yulee, Fla.; and (2) from the plantsites, warehouses, storage and shipping facilities of Hudson Pulp & Paper Co. at or near Palatka, Fla., to points in Georgia, Alabama, Tennessee, Kentucky, Illinois, Indiana, Ohio, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, District of Columbia, Pennsylvania, New York, New Jersey, and Connecticut. NOTE: Applicant states that under its existing certificates it can transport the involved commodities from the origins to all destination points in the named States over a circuitous route. Applicant further states instant application would extend the destination territory and eliminate circuity. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Atlanta, Ga.

No. MC 94350 (Sub-No. 280), filed October 27, 1970. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, SC 29602. Applicant's representatives: Mitchell King, Jr., Post Office Box 1628, Greenville, SC 29602, and Ames, Hill, & Ames, 666 11th Street NW., Suite 705, McLachlen Bank Building, Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, mounted on wheeled undercarriages, from points of manufacture at Fairfield County, S.C., and from Loudon County, Tenn., to points in the United States east of the Montana, Wyoming, Colorado, and New Mexico border. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 96881 (Sub-No. 10), filed November 2, 1970. Applicant: ORVILLE M. FINE, doing business as FINE TRUCK LINE, 1211 South Ninth Street, Fort Smith, AR 72901. Applicant's representatives: Thomas Harper or Don A. Smith, Kelly Building, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Fort Smith, Ark., and Paris, Tex., from Fort Smith, Ark., over U.S. Highway 64 to the junction of Interstate Highway 40 near Roland, Okla.; thence over Interstate Highway 40 to junction of U.S. Highway 69; thence over U.S. Highway 69 to junction of the Indian Nation Turnpike at or near McAlester, Okla.; thence over Indian Nation Turnpike to the junction of U.S. Highway 271 at or near Hugo, Okla.; thence over U.S. Highway 271 to Paris, Tex., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, in connection with carrier's otherwise certificated routes. NOTE: If a hearing is deemed necessary, applicant requests it be held at Texarkana, Ark.-Tex., or Washington.

No. MC 102567 (Sub-No. 137) (Amendment) filed September 28, 1970, published in the FEDERAL REGISTER issue of October 22, 1970, and republished as corrected, this issue. Applicant: EARL GIBBON TRANSPORT, INC., 4295 Meadow Lane, Post Office Drawer 5357, Bossier City, LA 71010. Applicant's representative: Jo E. Shaw, 816 Houston First Savings Building, Houston, TX 77002. The purpose of this partial republication is to substitute Ferguson, Miss., in lieu of Monticello, Miss., as one of the points of origin. The rest of the application remains the same.

No. MC 103993 (Sub-No. 567), filed October 29, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, sections of buildings on undercarriages*, from points in Broome County, N.Y., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Binghamton, N.Y.

No. MC 105656 (Sub-No. 5), filed November 2, 1970. Applicant: TOM PASQUALE, doing business as PASQUALE TRUCKING CO., 905 Erie Avenue, Longansport, IN 46947. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk); (1) from the plantsite, warehouses, and cold storage facilities utilized by Wilson-Sinclair Co., at Logansport, Ind., to points in Illinois, Michigan, and Ohio; and (2) from the warehouse and cold storage facilities utilized by Wilson-Sinclair Co., at Lafayette, Ind., to points in Illinois, Michigan, and Ohio; restricted to traffic originating at the above-named origins and destined to the above-named destinations. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107012 (Sub-No. 110), filed October 28, 1970. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Lincoln Highway, East and Meyer Road, Fort Wayne, IN 46801. Applicant's representative: Terry G. Fewell, Post Office Box 988, Fort Wayne, IN 46801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pianos, organs, coin operated phonographs, vending machines, phonographs, musical instruments, and piano and organ parts*, between Logan, Utah, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states it intends to tack with existing authority for vending machines at Logan, Utah, wherein it holds authority from Compton, Calif., to points in the United States (except Alaska and Hawaii). Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Indianapolis, Ind., or Washington, D.C.

No. MC 107295 (Sub-No. 470), filed November 5, 1970. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tile, floor and wall, and accessories*, from Cleveland, Miss., to points in Alabama, Arkansas, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Missouri, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Wisconsin, and the District of Columbia; and (2) *plywood and particleboard*, from Louisiana to all points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant also states if possible duplications be discovered later, it will be disclosed at the hearing. If a hearing is deemed necessary, applicant requests it be held at Jackson, Mis., or New Orleans, La.

No. MC 107515 (Sub-No. 715), filed October 20, 1970. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives, adhesive and industrial tapes, adhesive products, heat sealable coatings, and vinyl binding* in vehicles equipped with mechanical refrigeration (except commodities in bulk in tank vehicles); (1) from Andover, Mass.; St. Louis, Mo.; and Nashville, Tenn.; to points in Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, and Arkansas; (2) from Andover, Mass., to points in Tennessee and Missouri; (3) from Nashville, Tenn., to points in Missouri; and (4) from St. Louis, Mo., to points in Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. It further states no duplicate authority is sought. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Atlanta, Ga.

No. MC 108207 (Sub-No. 310), filed October 28, 1970. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, Post Office Box 5888, Dallas, TX 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Humboldt, Tenn., to points in Arkansas, Louisiana, Texas, Oklahoma, Iowa, Kansas, Nebraska, Missouri, and Mississippi, restricted to traffic originating at the warehouse or storage facilities of Consolidated Foods Corp., or its subsidiary company. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Fort Worth, Tex.

No. MC 108207 (Sub-No. 311), filed November 6, 1970. Applicant: FROZEN FOOD EXPRESS, a Texas corporation, 318 Cadiz Street, Post Office Box 5888, Dallas, TX 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Human blood plasma*, from Cincinnati, Ohio, to Berkeley, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex.

No. MC 111729 (Sub-No. 302), filed October 28, 1970. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records and audit accounting media of all kinds, and advertising material moving herewith;* (a) between New York, N.Y., and Macungie, Pa.; (b) between Columbus, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, New York, Pennsylvania, Tennessee, and West Virginia; (2) *business papers, records and audit and accounting media, and metallurgical samples moving therewith,* between South Hackensack, N.J., and Milford, Conn.; (3) *electronic components, sound track units and parts, tape recorders, small radio units and parts,* restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day, between Columbus, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, New York, Pennsylvania, Tennessee, and West Virginia; (4) *aircraft seat; castings, cloth, forgings, glue, paint, parts, tools, tubing finished parts and, plastic sheets,* restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day, between Long Island, West Nyack, and Yonkers, N.Y.; East Paterson, Englewood, and Garwood, N.J.; Cambridge and Springfield, Mass.; and Cranston, R.I.; (5) *small machine parts, such as gears, shafts, sheet metal dies, springs, pins, bushings, tool steel, and machine steel,* restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day, between Toledo, Ohio, on the one hand, and, on the other, points in Macomb, Oakland, and Wayne Counties, Mich., and Lansing, Mich.; (6) *tissue specimens of all kinds,* between St. Louis, Mo., on the one hand, and, on the other, points in Bond, Cass, Clinton, Fayette, Franklin, Greene, Jackson, Jersey, Madison, Massac, Montgomery, Pike, Randolph, St. Clair, Union, Washington, and Williamson Counties, Ill.; (7) *photographic and art material,* consisting of photographs, transparencies, artwork, type specimens, and all necessary materials for full color preparation, proofs for editing and shipping invoices, between Hingham, Mass., and New York, N.Y.; and (8) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theater and television exhibition), between Chamblee, Ga., on the one hand, and, on the other, points in North Carolina and South Carolina. NOTE: Applicant states that a portion of the requested authority could be tacked with certain existing authorities, however, applicant does not have intentions to tack at the present time. Applicant presently holds contract carrier authority under its No. MC 112750 and subs, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 111812 (Sub-No. 409) (Correction), filed October 7, 1970, published in the FEDERAL REGISTER issue of October 29, 1970, and republished in part as corrected this issue. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, NE 68102. NOTE: The sole purpose of this partial republication is to show Applicant: as MIDWEST COAST TRANSPORT, INC., in lieu of MIDWEST TRANSPORT, INC., inadvertently shown in the previous publication. The rest of the application remains as previously published.

No. MC 111940 (Sub-No. 50), filed October 23, 1970. Applicant: SMITH'S TRUCK LINES, a corporation, Post Office Box 88, Muncy, PA 17756. Applicant's representative: John M. Musselman, Post Office Box 1146, 400 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* as described in appendix XIII to the report *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, *petroleum wax, petroleum tar, oil emulsions, fuel oil treating compounds, petroleum vehicle body sealers or sound deadeners, compounded oil and greases and lubricated greases, iron and steel rust-preventing or removing compound* (other than petroleum), *metal cutting or drawing or drilling compounds* (other than petroleum), *brake fluid* (other than petroleum), *cleaning or washing or scouring compounds*, in containers, *and related advertising materials and supplies*, from Emlenton, Pa., and points in McKean County, Pa., to points in Connecticut, Indiana, Illinois, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Vermont, and Rhode Island (except from Bradford, Emlenton, and Farmers Valley, Pa., to Philadelphia, Pa., and from Emlenton and Farmers Valley, Pa., to points in Rhode Island). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 112822 (Sub-No. 171), filed November 2, 1970. Applicant: BRAY LINES INCORPORATED, 1401 North Little Street, Post Office Box 1191, Cushing, OK 74023. Applicant's representative: Thos. Lee Allman, Jr. (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Lawrence, Kans., to points in Minnesota, Missouri, and Arkansas. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant also states that it holds duplicating authority under MC 112822 (Sub-No. 35), to transport liquid fertilizer from Lawrence, Kans., to points in Missouri. All such duplicating authority shall be eliminated. Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 113024 (Sub-No. 103), filed November 2, 1970. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, South Du Pont Highway, Smyrna, DE 19777. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bathroom and washroom fixtures, sinks, and attachments therefor*, from Warren, Mich., to Harrisburg, Lansdale, Norristown, Reading, and York, Pa., and points in the Philadelphia, Pa., commercial zone, under contract with Panacon Corp. NOTE: Applicant holds a pending common carrier application under MC 135046, therefore, dual operations may be involved. If

a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113267 (Sub-No. 248), filed October 20, 1970. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from St. Louis, Mo., to points in Kentucky, Tennessee, Alabama, Georgia, North Carolina, South Carolina, Mississippi, Louisiana, Florida, and Arkansas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 113362 (Sub-No. 197), filed November 5, 1970. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Milton D. Adams, 1105½ Eighth Avenue NW., Box 562, Austin, MN 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* in containers (A) from Beaumont, Tex., to points in Iowa, Illinois, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin; and (B) from Houston, Tex., to points in Illinois (except Rock Island, Ill.), Minnesota (except Minneapolis, Minn.), South Dakota (except Watertown and Sioux Falls, S. Dak.), and Wisconsin (except Fall River, Wis.). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., Omaha, Nebr., or Washington, D.C.

No. MC 113434 (Sub-No. 39), filed October 19, 1970. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln, Holland, MI 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, products and supplies* used in or produced by the food processing industry (except in bulk), from (1) Lawton and Decatur, Mich., to points in Toledo, Ohio; and (2) between Lawton and Decatur, Mich., on the one hand, and, on the other, points in Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 113828 (Sub-No. 181), filed October 26, 1970. Applicant: O'BOYLE TANK LINES, INC., 5320 Marinelli Drive, Box 30006, Washington, DC 20015. Applicant's representatives: William P. Sullivan, 1819 H Street NW., Washington, DC 20006, and John F. Grimm (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from Norfolk, Va., to points in Georgia, Pennsylvania, South Carolina, and points in Maryland west of the Chesapeake Bay, Indiana, Ohio, West Virginia, Kentucky, Alabama, Tennessee, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, and the District of Columbia. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests that it be held at the District of Columbia.

No. MC 113828 (Sub-No. 182), filed October 24, 1970. Applicant: O'BOYLE TANK LINES, INCORPORATED, 5320 Marinelli Drive, Box 30006, Washington, DC 20014. Applicant's representatives: William P. Sullivan, 1819 H Street NW., Washington, DC 20006, and John F. Grimm (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Defoamer*, in bulk, from Portsmouth, Va., to points in Tennessee, North Carolina, South Carolina, West Virginia, Pennsylvania, and Maryland. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at the District of Columbia.

No. MC 114091 (Sub-No. 83), filed October 28, 1970. Applicant: HUFF TRANSPORT CO., INC., 2114 South 41st Street, Post Office Box 13116, Louisville, KY 40213. Applicant's representative: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, from the plantsite of Kentucky Asphalt Terminal Co. near Louisville, Jefferson County, Ky., to points in Indiana, Ohio, Illinois, and Kentucky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 114533 (Sub-No. 220), filed October 29, 1970. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representatives: Warren W. Wallin, 330 South Jefferson Street, Chicago, IL 60606, and Arnold L. Burke, 2220 Brunswick Building, 69 West Washington Boulevard, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Proofs, cuts, copy, and other graphic arts material;* (B) *laboratory specimens* as used in pathological testing; and (C) *audit media and other business records*, between Indianapolis, Ind., on the one hand, and, on the other, points in Indiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 128616, therefore, dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 116254 (Sub-No. 116), filed November 2, 1970. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, AL 35660. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, from Birmingham, Ala., to points in Georgia, Mississippi, and Tennessee. NOTE: Applicant states that the requested authority can be tacked with its existing authority in its subs 28, 5, 46, 52, 79, and 99, but applicant states that he has no present intentions of tacking. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Birmingham, Ala.

No. MC 116280 (Sub-No. 11), filed November 9, 1970. Applicant: W. C. McQUAIDE, INC., 153 Macridge Avenue, Johnstown, PA 15904. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clothing*, between points in the counties of Blair, Somerset, and Cambria, Pa., on the one hand, and, on the other, Philadelphia, Pa., restricted to transportation having a prior or subsequent movement by freight forwarders, consolidators, and shippers' associations. NOTE: Applicant holds contract authority in MC 88299, therefore dual operation may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at (1) Harrisburg, Pa., or (2) Johnstown, Pa.

No. MC 116763 (Sub-No. 178), filed October 23, 1970. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Applicant's representative: H. M. Richters (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rugs, carpeting, and tufted textile products;* and (2) *equipment, materials, and supplies* used in the installation and manufacturing of items named in (1) above, from points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee to points in the United States in and west of Minnesota, Iowa, Missouri, Arkansas, and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dalton or Rome, Ga.

No. MC 116763 (Sub-No. 179), filed October 22, 1970. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Post Office Box 81, Versailles, OH 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lighting*

and electrical fixtures, parts, equipment, and supplies, from Atlanta and Conyers, Ga., to points in that part of the United States in and west of Minnesota, Iowa, Missouri, Arkansas, and Louisiana (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 117568 (Sub-No. 6), filed November 2, 1970. Applicant: KEMPT TRUCK LINES, INC., Post Office Box 1047, Jolin, MO 64801. Applicant's representative: Russell Kempt (same address as above). Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Petroleum products* (except liquid, in bulk, and in tank vehicles); (2) *fertilizer and fertilizer materials, dry, in bulk or in packages, insecticides, fungicides, and herbicides* (except liquid in bulk), also *in mixed shipments with manufactured fertilizer and fertilizer materials;* (1) from Houston and Beaumont, Tex., to points in Arkansas, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, and Wisconsin; and (2) from points on the Arkansas and Verdigris Rivers in Oklahoma, to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Texas, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 118263 (Sub-No. 34), filed October 21, 1970. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, Clarksville, IN 47131. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, in tank vehicles) from the plantsite and warehouse facilities of Kitchens of Sara Lee at Deerfield, Ill., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, West Virginia, and Washington, D.C., restricted to traffic originated at and destined to the points named. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 118263 (Sub-No. 35), filed November 2, 1970. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, Clarksville, IN 47131. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs* in vehicles equipped with mechanical refrigeration (except commodities in bulk in tank vehicles), from the plantsite and warehouse facilities of Pillsbury Co. at Seelyville, Ind., to East Greenville, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant presently holds temporary contract carrier authority in its No. MC 111069 Sub-55. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 118806 (Sub-No. 15), filed November 2, 1970. Applicant: ARNOLD BROS. TRANSPORT, LTD., 1101 Dawson Road, Winnipeg, MB Canada. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Crushed scrap automobiles,* from points in Minnesota and North Dakota to the ports of entry on the international boundary line between the United States and Canada located in Minnesota and North Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119531 (Sub-No. 150), filed October 26, 1970. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, OH 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, IL 60602. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Metal containers, metal container parts and accessories* used in connection with the distribution of metal containers, and metal container ends, when moving with metal containers, from Hamilton, Ohio, to Stuttgart, Ark. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119641 (Sub-No. 96), filed November 5, 1970. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, IN 47944. Applicant's representative: Robert C. Smith, 711 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Agicultural implements, agricultural machinery and parts,* for agricultural implements and agricultural machinery, from South Bend, Ind., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, West Virginia, and Wisconsin. Restriction: The operations authorized herein are restricted to the transportation of traffic (a) originating at the plantsites and warehouse facilities used by White Farm Equipment and (b) destined to the destination points specified above, except that the restriction in (b) shall not apply to traffic in foreign commerce. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119777 (Sub-No. 195), filed November 2, 1970. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, KY 42431. Applicant's representatives: Louis J. Amato, Post Office Box E, Bowling Green, KY 42101 and William G. Thomas (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Aluminum pipe or tubing,* with or without covering or lining or other materials, with or without couplings, and other related accessories, from the plantsite of Phelps Dodge Corp., at or near Carrollton, Ky., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. NOTE: Applicant presently holds contract carrier authority in its docket No. MC 126970 and subs, therefore, dual operations may be involved. Applicant states it has existing authority which could be tacked to the requested authority, but applicant has no present intention to tack. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 120737 (Sub-No. 13) (Correction), filed October 12, 1970, published in the FEDERAL REGISTER issue of November 19, 1970, corrected in part, and republished as corrected, this issue. Applicant: STAR DELIVERY & TRANSFER, INC., Post Office Box 39, Rural Route No. 5, Canton, IL 61520. Applicant's representative: Robert M. Kaske, 2017 Wisteria Road, Rockford, IL 61107. NOTE: The purpose of this partial republication is to include the State of Nebraska in (3), as a destination point, which was inadvertently omitted from previous publication. The rest of the application remains the same.

No. MC 120737 (Sub-No. 14), filed November 2, 1970. Applicant: STAR DELIVERY & TRANSFER, INC., Post Office Box 39, Canton, IL 61520. Applicant's representative: Robert M. Kaske, 2017 Wisteria Road, Rockford, IL 61107. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles,* from Bartonville, Ill., to points in Alabama, Mississippi, and Tennessee. NOTE: Applicant indicates that tacking possibilities may exist, however, it does not have any present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant states it has no preference.

No. MC 121507 (Sub-No. 7), filed October 27, 1970. Applicant: PERISHABLE DELIVERIES, INC., 901 South

Eutaw Street, Baltimore, MD 21230. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C, of Appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Baltimore, Md. and Washington, D.C., on the one hand, and, on the other, points in Washington and Frederick Counties, Md. NOTE: Applicant states that the requested authority can be tacked with its Sub 1 at Baltimore, Md. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123067 (Sub-No. 111), filed November 2, 1970. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, NC 27102. Applicant's representative: L. J. Steele, Post Office Box 11361, Greensboro, NC 27409. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry chemicals*, in bulk, from Hollins, Va., to points in North Carolina on and east of U.S. Highway 220 from the Virginia State line to Rockingham, N.C., thence along U.S. Highway to the South Carolina State line; and (2) *salt*, dry, in bulk, from points in Franklin and Roanoke Counties, Va., to points in North Carolina, restricted to shipments having a prior movement by rail in (1) and (2) above. NOTE: Applicant states that the part (2) requested authority can be tacked with its Sub 63 from Charlotte, N.C., to points in South Carolina. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 123613 (Sub-No. 7), filed October 22, 1970. Applicant: CLAREMONT MOTOR LINES, INC., Highway 64–70 East, Post Office Box 296, Claremont, NC 28610. Applicant's representative: Bill R. Davis, 1919 Gas Light Tower, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil, grease, and lubricants*, in containers, from points in Bradford and Venanga County, Pa., to points in Georgia, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte or Greensboro, N.C.

No. MC 124078 (Sub-No. 461), filed October 23, 1970. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon dioxide*, in shipper-owned trailers, from Toledo, Ohio, to points in Indiana, Michigan, New York, and Pennsylvania. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 125102 (Sub-No. 11), filed October 26, 1970. Applicant: LEONARD DELUE, D. J. SEBERN, T. W. RINKER, E. L. DELUE, AND TED P. RINKER, a partnership, doing business as ARMORED MOTORS SERVICE, 970 Yuma Street, Denver, CO 80204. Applicant's representative: Herbert M. Boyle, 946 Metropolitan Building, Denver, CO 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coins*, moving on Government bills of lading, between Denver, Colo., on the one hand, and, on the other, Richmond, Va.; Charlotte, N.C.; Atlanta, Ga.; Birmingham, Ala.; Jacksonville, Fla.; Fort Knox, Ky.; Nashville and Memphis, Tenn.; (2) between Philadelphia, Pa.; West Point and New York, N.Y.; on the one hand, and, on the other, Richmond, Va.; Charlotte, N.C.; Atlanta, Ga.; Birmingham, Ala.; Jacksonville, Fla.; New Orleans, La.; Little Rock, Ark.; Oklahoma City, Okla.; El Paso, Houston, San Antonio, and Dallas, Tex.; Fort Knox, Ky.; Nashville and Memphis, Tenn.; (3) between Denver, Colo.; and West Point, N.Y.; under contract with Treasury Department, Bureau of the Mint. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Washington, D.C.

No. MC 125433 (Sub-No. 20), filed October 20, 1970. Applicant: F-B TRUCK LINE COMPANY, INC., 1891 West 2100 South, Salt Lake City, UT 84119. Applicant's representatives: David J. Lister (same address as applicant), and Martin J. Rosen, 140 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles, less than 15,000 pounds together with parts, attachments, and supplies* related thereto, from Logan, Utah, to points in Idaho, Oregon, and Washington, NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Salt Lake City, Utah.

No. MC 125771 (Sub-No. 6), filed October 26, 1970. Applicant: CAYUGA SERVICE, INC., Post Office Box 74, South Lansing, NY 48901. Applicant's representative: E. Stephen Heisley, 705 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt products*, (1) from the sites of the mines and plant of Cayuga Rock Salt Co., Inc., at or near South Lansing, N.Y., to points in Connecticut, Massachusetts, and Vermont; (2) from points in Coxsackie Township, Greene County, N.Y., to points in New Jersey, New York, Connecticut, Massachusetts, and Vermont; (3) from Schenectady and Delanson (Schenectady County), N.Y., to points in Connecticut, New York, Massachusetts, and Vermont; (4) from Castleton, Vt., to points in Massachusetts, Vermont, New Hampshire, and New York; and (5) from points in Warwick Township, N.Y., to points in Connecticut, Pennsylvania, and New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, N.J.). Restriction: The above authority is restricted to the transportation of traffic moving under a continuing contract or contracts with: (1) Cayuga Rock Salt Co., Inc.; (2) Highway Materials Co., Inc.; and (3) Yankee Salt Corp. NOTE: Applicant states that it presently holds the same authority to transport salt to and from the same points for the same contracting shippers and here only seeks to transport salt products for the same shippers to be able to afford them a complete service especially on mixed shipments. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126070 (Sub-No. 2), filed November 2, 1970. Applicant: BERNARD J. HEMMINGER, doing business as QUICK VAN LINES, 1801 Griswold Avenue, Sterling, IL 61081. Applicant's representative: Mack Stephenson, 301 Building, 301 North Second Street, Springfield, IL 62702. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Home and office appliances;* (1) from Connorsville, Ind., to points in Champaign, Ford, Douglas, Moultrie, Coles, and Cumberland Counties, Ill., and to points in Kossuth, Winnebago, Worth, Mitchell, Howard, Winneshiek, Allamakee, Hancock, Cerro Gordo, Floyd, Pocahontas, Humboldt, Wright, Franklin, Sac, Calhoun, Webster, Hamilton, Hardin, Carroll, Greene, Boone, Story, Marshall, Tama, Guthrie, Dallas, Polk, Jasper, Poweshiek, Adair, Madison, Warren, Marion, Mahaska, Keokuk, Adams, Union, Clarke, Lucas, Monroe, Wapello, Jefferson, Ringgold, Decatur, Wayne, Appanoose, Davis, and Van Buren Counties, Iowa; (2) from Sterling, Ill., to points in Kossuth, Winnebago, Worth, Mitchell, Howard, Winneshiek, Allamakee, Hancock, Cerro Gordo, Floyd, Pocahontas, Humboldt, Wright, Franklin, Sac, Calhoun, Webster, Hamilton, Hardin, Carroll, Greene, Boone, Story, Marshall, Tama, Guthrie, Dallas, Polk, Jasper, Poweshiek, Adair, Madison, Warren, Marion, Mahaska, Keokuk, Adams, Union, Clarke, Lucas, Monroe, Wapello, Jefferson, Ringgold, Decatur, Wayne, Appanoose, Davis, and Van Buren Counties, Iowa; (3) from Des Moines, Dubuque, and Webster City, Iowa, to Sterling, Ill.; and (4) from Chicago, Ill., to points in Iowa, under contract with Hardware Products Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., St. Louis, Mo., or Chicago, Ill.

No. MC 126276 (Sub-No. 34) (Amendment), filed August 10, 1970, published in the FEDERAL REGISTER issue of September 3, 1970, and republished as amended this issue. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: Robert H. Levy, 29 South

La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transportating: *Paper cups and plates and plastic lids, cups, knives, forks, and spoons*, from the plants and warehouse facilities of Continental Can Co., at Three Rivers, Mich., to points in Massachusetts, New Jersey, Maryland, New York, Pennsylvania, Rhode Island, Virginia, Connecticut, Vermont, Maine, North Carolina, Georgia, Missouri, and Kansas, under contract with Continental Can Co. NOTE: Applicant presently has pending an application for common carrier authority under its docket No. MC 134612, therefore dual operations may be involved. The purpose of this republication is to redescribe the territory sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126276 (Sub-No. 37), filed November 4, 1970. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container components and ends, container tops and closures, and materials, and supplies*, used in the manufacture and distribution of containers, ends, tops, and closures, from the plantsites and warehouse sites of American Can Co., at St. Paul and Austin, Minn.; Chicago, Maywood, Batavia, and Hoopeston, Ill.; Hammond, Austin, and Indianapolis, Ind.; Detroit and Coloma, Mich.; St. Louis and Kansas City, Mo.; Fort Dodge, Iowa; Delaware and Ohio, to points in Alabama, Arkansas, Colorado, Connecticut, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Wisconsin, and West Virginia, under contract with American Can Co. NOTE: Applicant has pending in MC 134612 an application for common carrier authority, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126276 (Sub-No. 38), filed November 5, 1970. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nonalcoholic beverages and materials and supplies*, used or useful in the manufacturing thereof, between the plantsites of Kolmar Products Corp. at Kenosha, Wis.; Munster, Ind.; and Chicago, Ill.; on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Wisconsin, and Missouri, under contract with Kolmar Products Corp. NOTE: Applicant holds common authority in MC 134612, therefore, dual operation may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126603 (Sub-No. 6), filed October 16, 1970. Applicant: R. MENARD TRANSPORT LTD., a corporation, St. Philippe, County of La Prairie, PQ, Canada. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, NY 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, (a) from the ports of entry on the United States-Canada boundary line located at or near Champlain, Rouses Point, Trout River, Rooseveltown, and Ogdensburg, N.Y.; Morses Line, Richford, North Troy, Derby Line, and Norton, Vt.; Van Buren, Houlton, Jackman, Vanceboro, and Calais, Maine, to points in Maine, Vermont, Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, and Delaware; and (b) from the ports of entry on the United States-Canada boundary line located at or near Champlain, N.Y., to points in Virginia, West Virginia, North Carolina, and South Carolina; and (2) *stone and slate products*, from Middle Granville and Burke, N.Y., and Rutland, Vt., to the ports of entry on the United States-Canada boundary line located at or near Champlain, N.Y., Rouses Point, N.Y., Trout River, N.Y., North Burke, N.Y.; Highgate Springs, Richford, North Troy, and Derby Line, Vt. NOTE: The application is accompanied by a petition wherein the above-named applicant as petitioner states that it holds authority in certificate No. MC 126603 Subs 2 and 4, respectively, which duplicates the authority sought for *lumber* in parts (1) (a) and (b), respectively, in the instant application hereinabove. The Petitioner states that the said presently held authority in its Subs 2 and 4 are both restricted to traffic originating at points in La Prairie, Quebec, Canada. Petitioner states that the purpose of that part of the application submitted with this petition, insofar as authority is sought to transport *lumber* is concerned, is for removal of the said restriction existing in applicant's Subs 2 and 4. Applicant states that if the authority sought in part (1) (a) and (b) of the application described hereinabove is granted without the restriction, it will consent to the revocation of its present authority in its Subs 2 and 4 upon the simultaneous issuance of the certificate applied for in this application. Applicant requests concurrent handling of both the application and the petition. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 127042 (Sub-No. 68), filed November 3, 1970. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, IA 51108. Applicant's representative: Joseph W. Harvey (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Deerfield and Chicago, Ill., to points in Kansas, Missouri, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 127303 (Sub-No. 11), filed October 30, 1970. Applicant: HENRY ZELLMER, doing business as ZELLMER TRUCK LINES, Post Office Box 996, Granville, IL 61326. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials;* (1) from Omaha, Nebr., to points in Illinois, Indiana, and the Lower Peninsula of Michigan; and (2) from St. Paul-Minneapolis, Minn., to points in Indiana, the Lower Peninsula of Michigan, and points in Illinois on and south of U.S. Highway 80. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, or Springfield, Ill.

No. MC 127505 (Sub-No. 35), filed October 19, 1970. Applicant: RALPH H. BOELK, doing business as BOELK TRUCK LINES, Route 2, Mendota, IL 61342. Applicant's representative: Ralph H. Boelk (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electric motors*, from Earlville, Ill., to Allentown and York, Pa.; Bellevue and Cincinnati, Ohio; and Nashville and Clarksville, Tenn.; (2) *aluminum blanks, extrusions, molding, shapes, sheet and stampings*, from St. Charles, Ill., to Elkhart, Ind.; and (3) *aluminum plate and sheet*, from points in Grundy County, Ill., to Monon, Elkhart, and Rochester, Ind.; Faribault, Little Falls, Minneapolis, and New York Mills, Minn.; Missouri; and Ixonia, Stoughton, Edgerton, Marshfield, and Medford, Wis. Restrictions: (1), (2), and (3) are restricted against the transportation of commodities in bulk, and those which because of size and weight require special equipment or handling. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127505 (Sub-No. 37), filed November 3, 1970. Applicant: RALPH H. BOELK, doing business as BOELK TRUCK LINES, Route 2, Mendota, IL 61342. Applicant's representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel pallet racks and accessories*, from Quincy and Rock Island, Ill., to points in the United States (except Hawaii and Alaska). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128570 (Sub-No. 15), filed November 4, 1970. Applicant: BROOKS ARMORED CAR SERVICE, INC., 13 East 35th Street, Wilmington, DE 19802. Applicant's representative: L. Agnew

Myers, Jr., 1122 Warner Building, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Parts* used in the manufacture, repair, replacement or servicing of computers, data processing, dictation, reproduction, typewriting or office business machines, and *materials and supplies* used in connection therewith, between Wilmington, Del., and points in Caroline, Cecil, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico, and Worchester Counties, Md. NOTE: Applicant states it will tack at Wilmington, Del., so as to provide service to either Philadelphia, Pa., or New York, N.Y., under its Sub 7. It further states it holds duplicating authority as that sought herein under MC 128570, Sub-No. 14TA. Applicant is authorized to operate as a contract carrier under MC 115601 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Wilmington, Del., or Washington, D.C.

No. MC 129124 (Sub-No. 5), filed November 2, 1970. Applicant: SAMUEL J. LANSBERRY, Woodland, PA 16881. Applicant's representative: John M. Musselman, Post Office Box 1146, 400 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gannister rock*, from Madison, Ohio, to Claysburg and Sproul, Pa.; and (2) *clay*, from points in Clearfield County, Pa., to Woodbridge, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 129307 (Sub-No. 41), filed November 2, 1970. Applicant: McKEE LINES, INC., 664 54th Avenue, Mattawan, MI 49071. Applicant's representative: Leonard R. McKee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products and articles distributed by meat packinghouses*, as described in sections A and C of appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Wichita, Kans., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, D.C., and West Virginia. NOTE: Applicant holds contract authority in MC 119394, therefore, dual operation may be involved. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Phoenix, Ariz.

No. MC 133229 (Sub-No. 7), filed October 22, 1970. Applicant: COATS FREIGHTWAYS, INC., 601 32d Avenue, Post Office Box 415, Council Bluffs, IA 51501. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, NE 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, skins, and commodities in bulk), from the plantsite and warehouse facilities of Swift & Co. at Grand Island, Nebr., and Glenwood, Iowa, to points in Florida, Georgia, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, service at Glenwood, Iowa, restricted to stopping in transit to partially pick up and further restricted to traffic originating at the named plantsite and warehouse facilities. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 133240 (Sub-No. 12), filed October 22, 1970. Applicant: WEST END TRUCKING CO., INC., 530 Duncan Avenue, Jersey City, NJ 07306. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are dealt in or used by discount or department stores, between the facilities of Unishops, Inc., their divisions and subsidiaries located in Jersey City, N.J., on the one hand, and, on the other, points in the United States, except Hawaii and Alaska, under contract with Unishops, Inc., their divisions and subsidiaries. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 133448 (Sub-No. 23), filed October 23, 1970. Applicant: REFRIGERATED FOOD LINE, INC., Box 1056, Commercial Station, Springfield, MO 65803. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, 1103 Grand Avenue, Kansas City, MO 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, from the warehouse facilities of Lipton Pet Foods, Inc., at or near New Orleans, La., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Kansas City, Mo.

No. MC 133562 (Sub-No. 5), filed November 3, 1970. Applicant: HOLIDAY EXPRESS CORPORATION, Post Office Box 204, Estherville, IA 51334. Applicant's representative: Roy Roberts (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from West Fargo, N. Dak., and Sioux City, Iowa, to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New York, New Jersey, Pennsylvania, Rhode Island, Virginia, Maryland, West Virginia, Vermont, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Omaha, Nebr.

No. MC 133574 (Sub-No. 10), filed October 16, 1970. Applicant: TERRILL TRUCKING COMPANY, a corporation, 1016 Geneseo Street, Storm Lake, IA 50588. Applicant's representative: Daryl Terrill (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from (1) West Fargo, N. Dak.; Omaha, Nebr.; and Sioux City, Iowa; to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia; and from (2) West Fargo, N. Dak.; and Sioux City, Iowa; to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133574 (Sub-No. 11), filed October 21, 1970. Applicant: TERRILL TRUCKING COMPANY, a corporation, 1016 Geneseo Street, Storm Lake, IA 50588. Applicant's representative: Daryl Terrill (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk); (1) from the plantsite of John Morrell & Co., at Estherville, Iowa, to points in Alabama, Arkansas, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee; and (2) from Sioux Falls, S. Dak., to points in Florida, Georgia, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Omaha, Nebr.

No. MC 133627 (Sub-No. 3), filed November 5, 1970. Applicant: COMMON MARKET DISTRIBUTING CORPORATION, 335 West Elwood Street, Phoenix, AZ 85030. Applicant's representative: Donald E. Fernaays, 4114A North 20th

Street, Phoenix, AZ 85016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flattened automobile bodies*, from points in Nevada and Utah to National City, Calif., under contract with Scrap Disposal, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 133652 (Sub-No. 2), filed November 3, 1970. Applicant: WINKOMA, INC., Hospers, IA 51238. Applicant's representative: R. L. Wright, 2317 Stoughton Road, Post Office Box 6067, Madison, WI 53716. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, dairy products, and dressing* from Milwaukee, Wis., to points in Colorado, Minnesota, North Dakota, and South Dakota, and from Green Bay, Wis., to points in South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 134150 (Sub-No. 2), filed October 22, 1970. Applicant: DOETCH DISTRIBUTING, INC., 1231 Blue Gum Street, Anaheim, CA 92806. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Natural, artificial ,and imitation dairy products*, from Gustine, and points in Los Angeles and Orange Counties, Calif., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, and Wisconsin; (2) (a) *Natural, artificial and imitation dairy products;* (b) *returned, refused and rejected shipments of the foregoing commodities; and* (c) *commodities used in the manufacture, mixture and preparation of the commodities described in subparagraph (a)*, from points in the destination States named in paragraph 1, to points in Los Angeles and Orange Counties, Calif.; (3) *foodstuffs*, from Gustine, Calif., to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin; (4) *damaged, refused, rejected, returned, spoiled, and undelivered shipments of the commodities described in paragraphs 1 and 3* from points in the destination States named in paragraph 1, to Gustine, Calif.; and (5) *exempt commodities as described in section 203(b)(6) of the Interstate Commerce Act*, when transported in the same vehicle and at the same time with commodities not exempt from economic regulation under that Act; (a) from points in Arizona and California, to points in the destination States named in paragraph 1; and (b) from points in Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, Ohio, and Wisconsin, to points in Arizona, California, and Nevada. RESTRICTIONS: (1) All shipments to be confined to those transported in vehicles equipped to provide temperature control; (2) all shipments to or from Gustine to be restricted to the plantsite and warehouse facilities of Avoset Food Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 134182 (Sub-No. 2), filed September 25, 1970. Applicant: MILK PRODUCERS MARKETING COMPANY, a corporation, doing business as ALL-STAR TRANSPORTATION, Second and West Turnpike Road, Post Office Box 505, Lawrence, KS 65340. Applicant's representatives: Tom B. Kretsinger and Warren H. Sapp, 450 Professional Building, 1103 Grand Avenue, Kansas City, MO 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dairy products and frozen confections*, from the plantsite and warehouse facilities of Hendries, Inc., at or near Milton, Mass., to Akron and Cleveland, Ohio, and York, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 134278 (Sub-No. 2), filed November 2, 1970. Applicant: CHARLES R. GOODMAN, doing business as GOODMAN TRUCKING COMPANY, 4255 South Second West, Salt Lake City (Murray), UT 84107. Applicant's representative: Irene Warr, Suite 419, Judge Building, Salt Lake City, UT 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (not in bulk) and *empty containers*, between points in California, Washington, Oregon, Nevada, and Utah, under a continuing contract with Thatcher Chemical Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 134283 (Sub-No. 2), filed October 28, 1970. Applicant: VEDDER TRANSPORT LTD., a corporation, 34470 South Fraser Way, Abbotsford, BC, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Washington to the port of entry at the international boundary line between the United States and Canada at or near Sumas, Wash. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington.

No. MC 134425 (Sub-No. 2), filed November 4, 1970. Applicant: CHARLES W. YOUNG, JR., doing business as C. W. YOUNG & COMPANY, Route 559, Mays Landing, NJ 08330. Applicant's representative: Robert B. Einhorn, 1540 PSFS Building, Philadelphia, PA 19107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles* which because of size or weight require the use of special equipment or handling, from Keyport and Belford, N.J., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 134501 (Sub-No. 6) (Correction), filed October 5, 1970, published in the FEDERAL REGISTER issues of October 29, 1970, and November 13, 1970, and republished in part, as corrected, this issue. Applicant: UFT TRANSPORT COMPANY, a corporation, 618 North Beltline, Irving, TX 75060. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, OK 73112. NOTE: The purpose of this second partial republication is to correct certain errors inadvertently made in the territorial scope of the application as published on October 29, 1970, as follows: (1) Cooke County, Tenn., should be shown as Cocke County, Tenn.; (2) Bextar County, Tex., should be shown as Bexar County, Tex.; (3) the following territorial description omitted from the initial publication corresponds to applicant's presently held Sub 5 authority and should appear between the words "North Carolina" and "Note" to wit: From points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Massachusetts, Maryland, Michigan, New Hampshire, New Jersey, New York, Vermont, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, Wisconsin, West Virginia, Mississippi, Louisiana, Texas, Arkansas, Oklahoma, and the District of Columbia, to points in Shelby County, Tenn. The rest of the application remains as published in the FEDERAL REGISTER issue of October 29, 1970, as corrected to show the Sub-No. assigned on November 13, 1970.

No. MC 134705 (Sub-No. 1), filed October 23, 1970. Applicant: WILLIAM H. GARING AND HOWARD B. GARING, a partnership, doing business as GARING BROS. EXPRESS, 71 Leonard Street, New York, NY 10013. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sheets, pillowcases, towels, rugs, and piece goods*, between South Hackensack, N.J., on the one hand, and, on the other, points in the New York, N.Y., commercial zone, under contract with M. Lowenstein & Sons, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134790 (Sub-No. 2), filed November 3, 1970. Applicant: JOHN HOFMANN, doing business as HOFMANN TRUCK LINE, Lone Tree, IA 52755. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel grain bins*

and livestock buildings, steel grain handling equipment, steel buildings, steel garages, steel utility buildings, steel trusses and building frames, and lumber and parts and accessories for each of the described commodities, from Houghton, Iowa, to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies (including lumber)* used in the manufacture, processing, sale, and distribution of the above-named commodities, from points in the United States (except Alaska and Hawaii), to Houghton, Iowa. NOTE: Applicant states that the requested authority cannot be tacked to its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 134951, filed September 14, 1970. Applicant: NED L. JOHNSTON, JAMES L. SWIGERT, AND CLARENCE LOBENTHAL, doing business as EXOTIC EXPRESS, 14 Trail Boulevard, North Naples, Naples, FL 33940. Applicant's representative: Daniel R. Monaco, 945 Central Avenue, Naples, FL 33940. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Exotic or wild animals* (mammals, apes, reptiles, fish, and amphibians) and the special care thereof, between Naples, Fla., and points of entry located in Miami, Fla., and New York, N.Y., under contract with F. J. Zeehandelaar Inc., Chas. P. Chase Co. Inc., and Wild Cargo, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami or Tampa, Fla.

No. MC 135034 (Sub-No. 1), filed October 19, 1970. Applicant: KAPE EXPRESS, INC., Post Office Box 5773, Toledo, OH 43613. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Expanded polystyrene and plastic products*, from Erie Industrial Park, Erie Township, Ottawa County, Ohio, to points in the United States (excluding Alaska and Hawaii); and (2) *materials, supplies, and equipment*, used in the manufacture of expanded polystyrene and plastic products, from points in the United States (except Hawaii and Alaska) to Erie Industrial Park, Erie Township, Ottawa County, Ohio, under contract with Snark Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 135032, filed October 15, 1970. Applicant: HIAWATHA PRODUCE COMPANY, a corporation, 3850 Fourth Street, Winona, MN 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fresh or frozen dressed poultry, poultry products, and frozen foods*, from Faribault and St. Charles, Minn., to points in New Hampshire, Maine, Rhode Island, Connecticut, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Vermont, and the District of Columbia; and (2) *commodities* the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with (1) above. NOTE: Applicant is also authorized to operate under MC 133709 and subs, therefore, dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 135035, filed October 20, 1970. Applicant: CORMIER & EBONY TRUCKING, INC., 92-17 172d Street, Jamaica, NY 11432. Applicant's representative: Lawrence R. Bailey, 261 West 125th Street, New York City, NY. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, from Carteret, N.J., to New York City, N.Y., and points in Nassau, Putnam, Rockland, Suffolk, and Westchester Counties, N.Y., under contract with American Oil Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135036, filed October 19, 1970. Applicant: RUSSELL TRUCKING COMPANY, a corporation, Post Office Box 141, Cedar Bluff, VA 24609. Applicant's representative: John C. Bradley, 618 Perpetual Building, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground, crushed or pulverized limestone*, from points in Russell and Tazewell Counties, Va., to points in West Virginia, Kentucky, Tennessee, and North Carolina. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Roanoke or Richmond, Va.

No. MC 135037, filed October 26, 1970. Applicant: BONDED MOVING & STORAGE COMPANY, INC., 3226 Mobile Highway, Post Office Box 2657, Montgomery, AL 36105. Applicant's representatives: J. Douglas Harris and James D. Harris, Jr., 410-411 Bell Building, Montgomery, AL 36105. Applicant's representatives: J. Douglas Harris and James D. operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, having prior or subsequent movement in interstate commerce, between points in Montgomery County, Ala., on the one hand, and, on the other, points in Autauga, Bullock, Barbour, Butler, Chilton, Coosa, Crenshaw, Elmore, Lowndes, Macon, Montgomery, Tallapoosa, Perry, Wilcox, and Clarke Counties, Ala. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala.

No. MC 135046, filed November 2, 1970. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, South Du Pont Highway, Smyrna, DE 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fiber, fiber products, plastic products and insulating materials*, from points in New Castle County, Del., and Kennett Square, Pa., to Chicago, Ill.; (2) *liquid latex* (except in bulk), *and dry synthetic plastics* (except in bulk), from Perryville, Md., to points in Illinois (except Chicago and points in the Chicago commercial zone), to those points in Indiana, on and north of Indiana Highway 28 and west of Indiana Highway 9 (except points in the Chicago commercial zone), New York, north of Interstate Highway 84, Ohio, on and north of U.S. Highway 250 from Bridgeport to Cadiz and on and north of Ohio Highway 36 (from Cadiz to Ohio-Indiana State line), Pennsylvania, west of U.S. Highway 219, Maine, Michigan, New Hampshire, Vermont, West Virginia, and Wisconsin, and (3) *water heaters* (except those the transportation of which because of size or weight requires the use of special equipment), from Kankakee, Ill., to Washington, D.C.; New York, N.Y.; and points in Nassau, Suffolk, Orange, Putnam, Westchester, Rockland, and Dutchess Counties, N.Y., points in Philadelphia, Delaware, Chester, Montgomery, Bucks, Lancaster, Berkes, Lehigh, and Northampton Counties, Pa., and points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, Maryland, Delaware, and New Jersey, and *returned or exchanged commodities* of the type described hereinabove, from the above-described destination points to Kankakee, Ill. NOTE: The purpose of this application is to convert three contract accounts of the above applicant to common carrier. All such contract authority will be withdrawn on grant of the requested common carrier authority. Applicant holds contract carrier authority for property under MC 113024 and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135053, filed November 2, 1970. Applicant: FINE ARTS SERVICES TRANSPORT LIMITED, 1320 Ellesmere Road, Unit 4, Scarborough, ON, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Fine arts, objects of art and antiques*, from (1) the international boundary between the United States and Canada at all border crossing points, to points in New York City, N.Y.; and from (2) New York City, N.Y. to the international boundary between the United States and Canada at all border crossing points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 135057, filed October 26, 1970, Applicant: ANSELMO FIGUEROA, doing business as FIGUEROA DELIVERIES & MOVING, 1813 Southern Boulevard, Bronx, NY 10460. Applicant's representative: Blanton P. Bergen, 137 East 36th Street, New York, NY 10016. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Used household goods and personal effects* (including used automobiles when shipped as personal effects), in containers having a prior or subsequent movement by water, between points in that part of New York, N.Y., commercial zone as defined by the Commission in the *Fifth Supplemental Report in Commercial zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exempt provisions provided by sections 203(b)(8) of the Act (exempt zone). NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135053, filed October 30, 1970. Applicant: ELECTRICAL TRANSPORT, INC., 1702 White Rock Avenue, Waukesha, WI 53186. Applicant's representative: David V. Purcell, 1902 Marine Plaza, Milwaukee, WI 53202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical power transformers, electrical distribution transformers, and accessories, parts, and supplies therefor*, from Waukesha, Wis., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia; (2) *steel*, from Bagdad and Butler, Pa.; (3) *ceramic insulators*, from Hartford, Conn.; and (4) *copper wire and strip* used in the manufacture or processing of the commodities named in (1) above, from New Haven, Conn., and Fort Wayne, Ind., to Waukesha, Wis., in (2), (3), and (4), under contract with Rte Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 135059, filed October 30, 1970. Applicant: CLAUDE BRYAN, doing business as CLAUDE'S TRUCK AND TRAILER SERVICE, 7459 West 59th Street, Summit, IL 60501. Applicant's representatives: Arnold L. Burke, 69 West Washington Street, Chicago, IL 60602 and Irwin Rozner, 134 North La Salle Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used trucks and tractors* (including trailers) requiring movement by towing; (1) between points in Illinois, Indiana, Iowa, and Wisconsin; and (2) between points in Cook County, Ill., on the one hand, and, on the other, points in Ohio, Michigan, and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No MC 135061, filed October 29, 1970. Applicant: LABELLE EXPRESS LIMITEE, 10339 A St. Laurent, Montreal, PQ, Canada. Applicant's representative: Adrien R. Paquette, 200 St. James Street, West, Suite 1010, Montreal, PQ, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Works of art, paintings, and sculptures*, from ports of entry on the international boundary line between the United States and Canada, to Olympia, Wash., points in Oregon, California, Idaho, Nevada, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Mississippi, Louisiana, Wisconsin, Illinois, Michigan, Indiana, Arkansas, Kentucky, Tennessee, Missouri, Alabama, Ohio, West Virginia, Pennsylvania, Virginia, New York, North Carolina, South Carolina, Georgia, Florida, Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, New Jersey, Maryland, Connecticut, Delaware, Washington, D.C., and Arlington, Wash. (excluding Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt.

No. MC 135054, filed October 30, 1970. Applicant: VIDEO CARRIERS, INC., 4 Ashwood Drive, Blauvelt, NY 10913. Applicant's representative: Ralph A. Celentano, 20 Tygert Road, Blauvelt, NY 10913. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile video control room with accessories*, between points in the United States (excluding Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

MOTOR CARRIER OF PASSENGERS

No. MC 45626 (Sub-No. 65), filed November 3, 1970. Applicant: VERMONT TRANSIT CO., INC., 135 St. Paul Street, Burlington, VT 05401. Applicant's representative: L. C. Major, Jr., Suite 301, Tavern Square, 421 King Street, Alexandria, VA 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage* in special operations in sightseeing and pleasure tours, beginning and ending at points in Vermont and Cheshire, Grafton, and Sullivan Counties, N.H., and extending to points in the United States, including Alaska but excluding Hawaii; (2) *passengers and their baggage* in one way sightseeing and pleasure tours, from points in Vermont, and in Cheshire, Grafton, and Sullivan Counties, N.H., to points in the United States, including Alaska but excluding Hawaii, restricted to the transportation of passagers and their baggage having a subsequent movement wholly by air or partially by air and partially by motor vehicle to points in Vermont and Cheshire, Grafton, and Sullivan Counties, N.H.; and (3) *passengers and their baggage* in one way sightseeing and pleasure tours, from points in the United States, including Alaska but excluding Hawaii, to points in Vermont and Cheshire, Grafton, and Sullivan Counties, N.H., restricted to the transportation of passengers and their baggage having prior movement wholly by air or partially by air and partially by motor vehicle, from points in Vermont and Cheshire, Grafton, and Sullivan Counties, N.H. NOTE: Applicant holds common carrier authority for property under MC 133421. If a hearing is deemed necessary, applicant requests it be held at Burlington or Montpelier, Vt.

No. MC 134788 (Sub-No. 2), filed November 12, 1970. Applicant: NORTH PENN BUS LINES, INC., 140 North Ridge Avenue, Ambler, PA 19002. Applicant's representative: John E. Fullerton, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, with passengers in charter operations, beginning and ending at points north of Church Road (Pennsylvania Route 73) in Whitemarsh Township, in Whitpain, Lower Gwynedd, Springfield, Cheltenham, Abington, Upper Dublin, Lower Moreland, Upper Moreland, and Horsham Township, in the boroughs of Ambler, Bryn Athyn, Hatboro, Jenkintown, and Rockledge, Montgomery County, Pa., and extending to points in the United States, except Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Norristown, Doylestown, or Philadelphia, Pa.

No. MC 119860 (Sub-No. 4), filed November 5, 1970. Applicant: CAPITAL COACH LINES CO., LTD., a corporation, 1425 Ogilvie Road, Ottawa 7, ON, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers in special operations in round trip sightseeing and pleasure tours beginning and ending in Canada, from points of entry along the international boundary line between the United States and Canada, to points in the United States (except Alaska and Hawaii) and return. Restriction: The transportation authorized herein shall be restricted to foreign commerce only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

APPLICATIONS FOR BROKERAGE LICENSES

No MC 130130, filed October 19, 1970. Applicant: COUZENS WAREHOUSE & DISTRIBUTORS, INC., 7501 South Pulaski Road, Chicago, IL 60652. Applicant's representative: Harry R. Begley, 72 West Adams Street, Chicago, IL 60603. For a license (BMC-4) to engage in operations as a *broker* at Chicago, Ill., in arranging for the transportation in interstate or foreign commerce of *general commodities* between points in the United States.

No. MC 130132, filed November 6, 1970. Applicant: JAMES P. KELVINGTON, doing business as EAGLE TOURS, 108 South Walnut Street, East Palestine, OH 44413. Applicant's representative: Earl N. Merwin, 85 East Gary Street, Columbus, OH 43215. For a license (BMC-5) to engage in operations as a *broker* at Enon (Clark County), Ohio, in arranging for the transportation in interstate or foreign commerce of *passengers and their baggage*, in special or charter operations, in round-trip tours, beginning

and ending at points in Clark, Champaign, Greene, Miami, and Montgomery Counties, Ohio, and extending to points in the United States, including Alaska, but excepting Hawaii.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 110325 (Sub-No. 47), filed October 22, 1970. Applicant: TRANSCON LINES, a corporation, 1206 South Maple Avenue, Los Angeles, CA 90015. Applicant's representative: Wentworth E. Griffin, 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment or handling, between Nebraska City, Nebr., and Rockport, Mo.; from Nebraska City over U.S. Highway 75 to junction U.S. Highway 136 near Auburn, Nebr., thence over U.S. Highway 136 to Rockport, and return over the same route, as an alternate route for operating convenience only, in connection with carrier's authorized regular-route operations, serving no intermediate points, but serving Nebraska City and Rockport for purpose of joinder only. NOTE: Applicant states no duplicate authority is sought.

No. MC 124328 (Sub-No. 45), filed November 2, 1970. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago, IL 60616. Applicant's representative: F. D. Partlan (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Embossed credit cards*, from Boston, Mass., to Augusta, Lewiston, Bangor, and Portland, Maine; and Burlington, Vt., under contract with The Howard National Bank & Trust Co., Bank of Maine, Maine Bank ,Americard Center, Merrill Bank, and First Bank of Lewiston. NOTE: Applicant states no duplicate authority is being sought. Common control may be involved.

No. MC 124328 (Sub-No. 46), filed November 2, 1970. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago, IL 60616. Applicant's representative: F. D. Partlan (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Diamonds*, between Worthington, Ohio, and Detroit, Mich. NOTE: Common control may be involved.

No. MC 135056, filed October 30, 1970. Applicant: MJR ENTERPRISES, a corporation, 12500 Inglewood Avenue, Hawthorne, CA 90250. Applicant's representative: Donald Murchison, Suite 400, Glendale Federal Building, 9454 Wilshire Boulevard, Beverly Hills, CA 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by chain retail furniture stores*, (1) between points in California; (2) between points in California, on the one hand, and, on the other, points in Arizona, Colorado, Idaho, Nevada, Oregon, Utah, and Washington; and (3) from Salt Lake City and Ogden, Utah, to points in Idaho, restricted to traffic having a prior movement by rail, under contract with McMahan Furniture Co.

MOTOR CARRIER OF PASSENGERS

No. MC 106798 (Sub-No. 7), filed November 2, 1970. Applicant: GARDEN STATE COACHWAYS, a corporation, 690 North Pearl Street, Bridgeton, NJ 08302. Applicant's representative: Ronald L. Taht, 801 Asbury Avenue, Ocean City, NJ 08226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicles with passengers; (1) between the junction of U.S. Highway 206 and New Jersey Highway 532 and Medford Lakes, N.J., over New Jersey Highway 532, serving the said junction and the junction of New Jersey Highway 532 and Dicksontown Road, for the purpose of joinder only; (2) between the junction of New Jersey Highway 532 and Dicksontown Road and the junction of Dicksontown Road and New Jersey Highway 541, serving the termini for the purposes of joinder only; and (3) between the junction of U.S. Highway 206 and New Jersey Highway 530 and the junction of High Street and New Jersey Highway 532 in Mount Holly, N.J., over New Jersey Highway 530, Pine Street, Mill Street and High Street, serving the said junction for the purpose of joinder only, serving no intermediate points on Routes 1 through 3 above, as alternate routes for operating convenience only in connection with applicant's presently authorized regular route operations. NOTE: Applicant presently holds contract carrier passenger authority under its No. MC 118815.

No. MC 135019 (Sub-No. 1), filed October 26, 1970. Applicant: PARK TRANSIT, INC., 521 Camden Street, Parkersburg, WV 26101. Applicant's representative: George P. Sovick, 1115 Virginia Street East, Charleston, WV 25301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage*, in the same vehicle with passengers, in special or charter operations, or both, between points in Wood, Jackson, Pleasants, Tyler, Ritchie, Wetzel, and Wirt Counties, W. Va., and Athens, Washington, Meigs, and Monroe Counties, Ohio, on the one hand, and, on the other, points in the United States, excluding Alaska and Hawaii; and (2) between points in any one of said counties on the one hand, and, on the other, points in any of the other said counties in (1) above. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-15851; Filed, Nov. 25, 1970; 8:45 a.m.]

[Notice 137]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 20, 1970.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 110563 (Sub-No. 50 TA), filed November 17, 1970. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, Box 247, 113 North Ohio Avenue, Sidney, OH 45365. Applicant's representative: John L. Maurer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh-frozen meat and precooked meat*, in portion sizes, from Thorofare, N.J., to points in Ohio, Indiana, Illinois, Michigan, Wisconsin, Iowa, Missouri, Nebraska, and Kentucky, for 150 days Supporting shipper: Goren Foods Co., Jessup and Grove Roads, Thorofare, NJ 08086. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 115495 (Sub-No. 18 TA), filed November 18, 1970. Applicant: UNITED PARCEL SERVICE, INC., 300 North Second Street, St. Charles, IL 60174. Me: 643 West 43d Street, New York, NY 10036. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, perishable commodities, motion picture films between motion picture distributors and motion picture theaters and commodities having a prior or subsequent movement by air, water, or rail provided,

however, that this shall not preclude use by applicant of substituted rail service (trailers on flat cars) for packages moving entirely under applicant's tariffs); (1) between points in North Dakota, South Dakota, Nebraska (except those points on, south, and within 10 miles north of a line beginning at the Nebraska-Colorado State line and extending along U.S. Highway 138 to its junction with U.S. Highway 30 and thence along U.S. Highway 30 to the Nebraska-Iowa State line), Arkansas (except Fort Smith, Fayetteville, points in Benton, Carroll, and Boone Counties and those points on and west of U.S. Highway 71), Louisiana, and Mississippi; and (2) between points in North Dakota (except Fargo and Grand Forks), South Dakota, Nebraska (except those points on, south, and within 10 miles north of a line beginning at the Nebraska-Colorado State line and extending along U.S. Highway 138 to its junction with U.S. Highway 30 and thence along U.S. Highway 30 to the Nebraska-Iowa State line), Arkansas (except Fort Smith, Fayetteville, points in Benton, Carroll, and Boone Counties, Ark., and those points on and west of U.S. Highway 71), Louisiana, and Mississippi, on the one hand, and, on the other, points in Minnesota, Iowa, Missouri, Tennessee (except Memphis), and Alabama, subject to the following restrictions:

(a) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined and each package or article shall be considered as a separate and distinct shipment; (b) no service shall be rendered between department stores, specialty shops, retail shops, and the branches or warehouses of such stores; or between department stores, specialty shops, and retail stores or the branches or warehouses thereof, on the one hand, and, on the other, the premises of the customers of such stores; and (c) no service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day, for 180 days. NOTE: (Applicant intends to tack to its certificates, MC-115495, and Subs 3, 4, and 14 and to interline with United Parcel Service, Inc. (New York corporation) holder of certificates MC-116200 Sub Nos. 2, 3, and 5). Supporting shippers: Swank, Inc., Attleboro. MA 02703; Helene Curtiss Industries, Inc., 4401 West North Avenue, Chicago, IL 60639; Harvey Hubbel Inc., State Street and Bostwick Avenue, Bridgeport, CT 06602; United Stationers Supply Co., 1900 South Des Plaines Avenue, Forest Park, IL 60130; Coats & Clark, Inc., 17-01 Pollit Drive, Fair Lawn, NJ; and Goldblatt Tool Co., 511 Osage Street, Kansas City, KS 66110. The above shippers are included in approximately 219 supporting shippers supporting the application. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 117165 (Sub-No. 34 TA), filed November 17, 1970. Applicant: C. J. DAVIS, doing business as LOUIS FREIGHT LINES, West Relief Highway U.S. 20, Box 493, Michigan City, IN 46320. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boards, building boards, wall fiberboard, insulating fiberboard, composition boards, panels, sheets, rigid urethane and parts, materials, and accessories used in conjunction therewith*, from Tiffin, Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) *materials, equipment, and supplies used in the manufacture of boards, building boards, wall fiberboard, insulating fiberboard, composition boards, panels, sheets, rigid urethane and parts, materials, and accessories*, used in conjunction therewith, from points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Wisconsin, and the District of Columbia, to Tiffin, Ohio, for 180 days. Supporting shipper: Tiffin Enterprise, Inc., 458 Second Avenue, Tiffin, OH 44883. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 119767 (Sub-No. 251 TA), filed November 18, 1970. Applicant: BEAVER TRANSPORT CO., Mailing: Post Office Box 188, Pleasant Prairie, WI 53158, Office: Bristol, Wis. (Wis. Corp.). Applicant's representative: A Bryant Torhorst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, in vehicles equipped with mechanical refrigeration, between Chicago, Ill., and Louisville, Ky., for 180 days. Supporting shipper: Breakstone Sugar Creek Foods, Division of Kraftco Corp., 450 East Illinois Street, Chicago, IL 60611 (Lavern Martens, General Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 124211 (Sub-No. 165 TA), filed November 18, 1970. Applicant: HILT TRUCK LINE, INC., Post Office Box 988 (Downtown Station), Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, from Muscatine, Iowa, to Lincoln, Millard, Norfolk, and Omaha, Nebr., for 180 days. Supporting shipper: John Pinchot, Traffic Department, Heinz, U.S.A. Division of H. J. Heinz Co., Post Office Box 57, Pittsburgh, PA 15230. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 705 Federal Building, 106 South 15th, Omaha, NE 68102.

No. MC 133014 (Sub-No. 1 TA), filed November 18, 1970. Applicant: WOODCREST L & S CO., 1301 West 22d Street, Suite 509, Oakbrook, IL 60521. Applicant's representative: Arnold L. Burke, Suite 2220, Brunswick Building, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are sold by retail mail-order houses, between Chicago, Ill., on the one hand, and, on the other, points in Ohio, Michigan, Indiana, and Missouri, under a continuing contract or contracts with Spiegel, Inc., for 180 days. Supporting shipper: Frank J. Schultz, Spiegel, Inc., 2511 West 23d Street, Chicago, IL 60608. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 135023 (Sub-No. 1 TA), filed November 17, 1970. Applicant: CARROLL W. ARTHUR, Box 443, Warsaw, VA 22572. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from the plantsite of Koppers Co., Inc., near Newtown, Va., and the plantsite of DeJarnette Lumber Corp., at or near Milford, Va., to Spring Grove, Pa., *Crossties*, from the plantsite of Koppers Co., Inc., at or near Newtown, Va., to Newport, Del., for 150 days. Supporting shippers: Koppers Co., Inc., Philadelphia, Pa.; DeJarnette Lumber Corp., Milford, Va. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, VA 23240.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-15855; Filed, Nov. 24, 1970; 8:48 a.m.]

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FEDERAL REGISTER

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Thursday, November 26, 1970 ○ Washington, D.C.

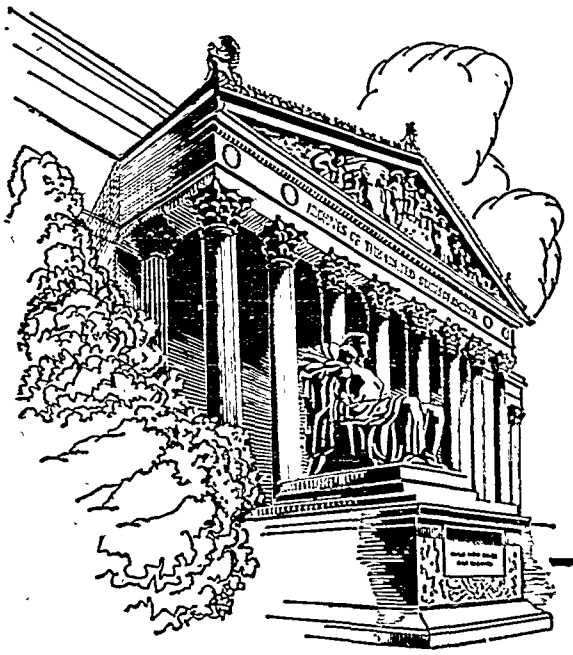
PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

•

Service Programs for Aged, Blind, or Disabled Persons



Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 222—SERVICE PROGRAMS FOR AGED, BLIND, OR DISABLED PERSONS: TITLES I, X, XIV, AND XVI OF THE SOCIAL SECURITY ACT

Notice of proposed regulations for the programs administered under titles I, X, XIV, and XVI of the Social Security Act with respect to service programs for aged, blind, or disabled persons was published in the FEDERAL REGISTER on April 24, 1970 (35 F.R. 6628). After consideration of the views presented by interested persons, the regulations as proposed are hereby adopted, subject to the following changes:

1. The notification of availability of services to clients has been made a requirement for any service program regardless of the rate of Federal financial participation (§ 222.21, recoded § 222.6).

2. The requirement for annual increase in the number of educational leaves for professional training has been deleted (§ 222.8).

3. The requirement for State agency positions responsible for program direction and local agency supervision has been transferred from Subpart A, mandatory for all programs, to Subpart B, mandatory only for Federal financial participation at 75 percent, and has been recoded from § 222.7 to § 222.21.

4. In § 222.42, the requirement to arrange for certain services in respect to guardianship and commitment has been modified to permit the State to fulfill this responsibility by referral to another agency.

5. Section 222.43 has been revised to indicate that the range of services includes those which help persons remain in, as well as return to, their own homes or communities.

6. The effective date for mandatory provision of homemaker services and special services for the blind in programs reimbursed at the 75 percent rate of Federal financial participation has been changed from July 1, 1973 to April 1, 1974 (§§ 222.46, 222.47).

7. In § 222.50, the requirement for establishing a position for community planning responsibility has been deleted.

8. Other clarifying and technical changes have been made.

Accordingly, Chapter II of Title 45 of the Code of Federal Regulations is amended by adding a new Part 222 to read as set forth below.

Subpart A—Mandatory Provisions for All Service Programs

Sec.
222.1 General.
222.2 Advisory committees.
222.3 Training and use of subprofessionals and volunteers.
222.4 Relationship to and use of other agencies.
222.5 Availability of services.
222.6 Notification of available services.
222.7 Freedom to accept or reject services.
222.8 Staff development.
222.9 Appeals, fair hearings, and grievances.
222.10 Reports and evaluations.
222.11 Special service units.
222.12 Services for protective payment cases.
222.13 Services for aged leaving mental hospitals.

Subpart B—Additional Mandatory Provisions for Federal Financial Participation at 75 Percent

222.20 General.

ORGANIZATION AND ADMINISTRATION

222.21 Policy and program development and implementation.
222.22 Individual service plans.
222.23 Full-time staff for services.
222.24 Use of professional staff.
222.25 Caseloads and workload standards.
222.26 Bi-lingual interpreters.
222.27 Delivery and utilization of services.
222.28 Public information program.

MANDATORY SERVICES

222.40 General.
222.41 Information and referral services.
222.42 Protective services.
222.43 Services to enable persons to remain in or to return to their own homes or communities.
222.44 Services to meet health needs.
222.45 Self-support services for the handicapped.
222.46 Homemaker services.
222.47 Special services for the blind.
222.50 Community planning.

Subpart C—Optional Provisions and Services

222.55 Coverage of optional groups for services.
222.56 Range of optional services.
222.57 Services to individuals to improve their living arrangements and enhance activities of daily living.
222.58 Services to individuals and groups to improve opportunities for social and community participation.
222.59 Services to individuals to meet special needs.
222.60 Other services.
222.61 Consultant services.

Subpart D—Definitions

222.65 Chore services.
222.66 Community planning.
222.68 Day care services.
222.69 Education services related to consumer protection and money management.
222.70 Home delivered meals.
222.71 Homemaker services.
222.72 Housing improvement and assistance services.
222.73 Protective services.
222.74 Services to adults in foster care.
222.75 Services to meet health needs.
222.76 Social group services.
222.77 Special services for the blind.

Subpart E—Federal Financial Participation

222.85 General.
222.86 Persons eligible for services.
222.87 Sources for furnishing services.
222.88 Provisions governing costs of certain services.
222.89 Kinds of expenses for which Federal financial participation is available.
222.90 Rates of Federal financial participation.
222.91 Donated private funds.

AUTHORITY: The provisions of this Part 222 issued under secs. 1102, 2(a)(10)(C), 3(a)(4) and (5), 3(c), 1002(a)(13), 1003(a)(3) and (4), 1003(c), 1402(a)(12), 1403(a)(3) and (4), 1403(c), 1602(a)(10), 1603(a)(4) and (5), 1383(c); 42 U.S.C. 1302, 302(a)(10)(C), 303(a)(4) and (5), 303(c), 1202(a)(13), 1203(a)(3) and (4), 1203(c), 1352(a)(12), 1353(a)(3) and (4), 1353(c), 1382(a)(10), 1383(a)(4) and (5), 1383(c); 49 Stat. 647, 70 Stat. 848–850, 76 Stat. 173–182, 199, 202–204, 81 Stat. 897–898.

Subpart A—Mandatory Provisions for All Service Programs

§ 222.1 General.

A State plan under title I, X, XIV, or XVI of the Social Security Act that provides for any services to aged, blind, or disabled persons, must:

(a) Describe the services available under the State plan to current applicants and recipients.

(b) Identify which, if any, of the optional groups described in § 222.55 are also eligible for services.

(c) Specify the services to be made available to each such group.

(d) Commit the State to meet the requirements in this Subpart.

§ 222.2 Advisory committees.

(a) An advisory committee on aged, blind, and disabled must be established at the State level and at the local levels where the programs are locally administered, except that in local jurisdictions with small caseloads alternate procedures for securing similar participation may be established. The advisory committee, which may be combined with AFDC–CWS advisory committee (as required in § 220.4 of this chapter), will:

(1) Advise the principal policy setting and administrative officials of the agency and have adequate opportunity for meaningful participation in policy development and program administration, including the furtherance of recipient participation in the program of the agency.

(2) Include representatives of other State agencies concerned with services, representatives of professional, civic or other public or private organizations, private citizens interested and experienced in service programs, and recipients of assistance or services or their representatives who shall constitute at least one-third of the membership.

(3) Be provided such staff assistance from within the agency and such independent technical assistance as are needed to enable it to make effective recommendations.

(4) Be provided with financial arrangements, where necessary, to make possible the participation of recipients in the work of the committee structure.

(b) The State agency must maintain information about the structure and functions of the State and local advisory committees with representation from the aged, blind, and disabled; their relationship to other boards and committees associated with the State and local agencies; and the system for selecting recipients or their representatives. The State advisory committee for aged, blind, and disabled must be established no later than 120 days after plan approval.

§ 222.3 Training and use of subprofessionals and volunteers.

The State agency must conform to the regulations in Part 225 of this chapter, Training and Use of Subprofessionals and Volunteers.

§ 222.4 Relationship to and use of other agencies.

(a) There must be maximum utilization of and coordination with other public and voluntary agencies, including with respect to the latter their experience as well as their facilities, providing services similar or related to the services provided under the plan, where such services are available without additional cost.

(b) Consideration must be given to the appropriate use of other public and voluntary agencies as sources for the purchase of care and services and such use must be based on a determination that required program standards will be met, and a comparison of the effectiveness with which the services are likely to be rendered and the anticipated costs thereof.

(c) The State plan must show ways in which public and voluntary agencies will be used, including types of services to be purchased, if any.

(d) The State agency must conform to the regulations in Part 226 of this chapter, Purchase of Services under Public Assistance Programs.

§ 222.5 Availability of services.

All of the services contained in the State plan must be available, accessible, and provided with reasonable promptness to all eligible persons needing the services.

§ 222.6 Notification of available services.

Each applicant and recipient must be informed of the services available from the agency and extended an opportunity to express his need and to request services.

§ 222.7 Freedom to accept or reject services.

Eligible individuals must be free to determine whether to accept or reject service from the agency.

§ 222.8 Staff development.

There must be staff development on a continuing and progressive basis for all staff responsible for the development and provision of services. Such staff development shall include orientation, in-service training, and educational leave.

§ 222.9 Appeals, fair hearings, and grievances.

(a) There must be provision under the agency's established fair hearings procedures for a fair hearing under which applicants and recipients may appeal denial of or exclusion from a service program or failure to take account of recipient choice of a service. Provisions governing fair hearings in relation to financial and medical assistance shall apply. The results of appeals pertaining to services must be formally recorded and made available to the State advisory committee on services and all applicants and recipients must be advised of their right to appeal and the procedures for such appeal.

(b) There must be a system through which recipients may present grievances about the operation of the service program.

§ 222.10 Reports and evaluations.

Such reports and evaluations must be furnished to the Secretary as he may specify, showing scope, results, and costs of services for aged, blind, or disabled persons.

§ 222.11 Special service units.

If the State agency establishes special service units in metropolitan or rural settings, it must maintain information on the specific purposes and functions of such special service units.

§ 222.12 Services for protective payment cases.

If the State plan provides for protective assistance payments on behalf of recipients, there must be provision of services to such recipients in accordance with applicable policies (see § 234.70 of this chapter).

§ 222.13 Services for aged leaving mental hospitals.

If the State plan under title I or XVI provides for assistance payments to aged individuals in mental hospitals, the plan must provide for services to such recipients when leaving such hospitals, in accordance with the requirements of section 2(a)(12)(C) or section 1602(a)(16)(C) of the Social Security Act.

Subpart B—Additional Mandatory Provisions for Federal Financial Participation at 75 Percent

§ 222.20 General.

A State plan under title I, X, XIV, or XVI, to be eligible for 75 percent Federal financial participation in the costs of providing services, must:

(a) Commit the State to meet the requirements of this subpart.

(b) Commit the State to progress in the extension and improvement of services.

(c) Provide for the submission of such implementation and progress reports as may be specified.

Organization and Administration

§ 222.21 Policy and program development and implementation.

In administering the program there must be:

(a) A State level position (or positions) with authority and responsibility for the direction and development of the adult services program.

(b) The use of State staff to supervise local agency performance in developing, maintaining, improving, and extending services, to assure proper program implementation.

§ 222.22 Individual service plans.

There must be assessment of the individual's service needs and implementation of individual service plans in all cases where it is agreed between the agency and the applicant, or the person applying on his behalf, for service that service is needed. Each plan must be reviewed as often as necessary but at least annually, to assure that it is practically related to the individual's needs and is being effectively implemented. Each service plan and the services provided must be recorded.

§ 222.23 Full-time staff for services.

(a) The functions of arranging or providing services to individuals should, to the maximum extent feasible, be performed by persons other than those who determine eligibility for financial and medical assistance and provide financial assistance.

(b) There must be adequate numbers of full-time staff assigned to service functions at all levels of agency operations and, to this end, there must be progress toward the objectives of relieving all staff of nonservice functions. (This includes service at intake, i.e., providing information, screening, and referral within the agency and community for all aged, blind, or disabled persons seeking agency help; and determining need for specific services.)

§ 222.24 Use of professional staff.

There must be adequate numbers and suitable qualifications for personnel drawn from appropriate disciplines, e.g. social work, rehabilitation counseling, home economics, to plan, develop, and supervise services and, when applicable, to provide specialized services to aged, blind, or disabled persons; and there must be an adequate system of career development and progression for such individuals.

§ 222.25 Caseloads and workload standards.

The State agency must make available on request an explanation of how the quantity and quality of services will be maintained in instances where the number of personnel performing direct service functions results in a caseload or workload higher than that in effect during fiscal year 1968 for the service programs in the States which qualified for Federal financial participation at the 75-percent rate.

§ 222.26 Bilingual interpreters.

Provision must be made for bilingual staff or interpreters when there are substantial numbers of non-English-speaking applicants and recipients.

§ 222.27 Delivery and utilization of services.

(a) There must be progress in achieving organizational patterns and simplified administrative procedures that assure effective delivery and utilization of services.

(b) The State plan must also provide for continued assessment and necessary adaptations to achieve this requirement.

§ 222.28 Public information program.

There must be provision for a continuing program of public information specifically designed to assure that information about all the services the State agency provides in its plan, and how they may be secured, is effectively and appropriately promulgated throughout the State in a manner calculated to reach current and potential applicants and recipients for service and sources of referral of potential applicants. When there are substantial numbers of non-English-speaking applicants and recipients the informational materials must also be published in the native language most commonly used in the area.

MANDATORY SERVICES

§ 222.40 General.

The State plan must provide for the required services (§§ 222.41—222.45) to be made available to all persons eligible under the State plan.

§ 222.41 Information and referral services.

Such services must be available, without regard to eligibility for assistance or other service, to any aged, blind, or disabled person seeking information or advice with respect to his needs which can properly be met by the provision of direct information or referral to appropriate community resources.

§ 222.42 Protective services.

Services must include, but are not limited to:

(a) Arranging for medical (including psychiatric) services to evaluate, and whenever possible, safeguard and improve the circumstances of those with serious impairments.

(b) Arrangments for guardianship, commitment, or other protective placement when necessary by the agency directly or through referral to another appropriate agency.

(c) Provision of services to assist individuals to move from situations which are, or are likely to become, hazardous to their health and well-being.

(d) Cooperating and planning with the courts as necessary on behalf of individuals with serious mental impairments.

§ 222.43 Services to enable persons to remain in or to return to their homes or communities.

Services must include, but are not limited to:

(a) Assistance in locating suitable independent living arrangements or arrangements for placement in foster family or protected care settings.

(b) Enlisting the help of interested relatives, friends, and other resources to assist the person to remain in or to return to the community and to maintain himself in the selected environment.

(c) Assisting the individual to carry out necessary medical, health, and health maintenance plans.

(d) Assistance in securing any additional special arrangements or supportive services that will contribute to a satisfactory and adequate social adjustment of the individual.

§ 222.44 Services to meet health needs.

Services must include, but are not limited to:

(a) Assistance in securing necessary diagnostic, preventive, remedial, ameliorative, and other health services (including prosthetic, orthotic, and assistive aids) available under Medicare, Medicaid (or other agency health services program) and from other agencies or providers of health services.

(b) Assistance in making arrangements for transportation to and from health resources.

(c) Planning with the individual relatives, or other appropriate persons, to assist the individual in carrying out medical recommendations.

(d) Maintaining necessary liaison with the physician, nurse, institution, or other provider of health services to assure the provision of social services necessary to carry out medical recommendations.

(e) In medical emergencies, obtaining services of a physician; arranging care of dependents and other social services required as a result of the individual's medical emergency.

(f) Providing, as necessary, the services of escorts and bilingual interpreters, who, whenever possible, shall be subprofessional staff who are residents of neighborhoods in which the persons reside.

§ 222.45 Self-support services for the handicapped.

Such services must include, but are not limited to:

(a) Exploring interests and potentials for self-support in whole or in part.

(b) Individual counseling, necessary to deal with family barriers which prevent or limit individuals in their use of training and employment opportunities.

(c) Providing for referral to and use of public and voluntary agencies in the fields of vocational rehabilitation, health, education, and employment, including special attention to the capabilities of rehabilitation centers and sheltered workshops, community action agencies, neighborhood centers, and similar organizations.

§ 222.46 Homemaker services.

By April 1, 1974, State plans must provide for homemaker services which must:

(a) Include home management, home maintenance, and personal care services for adults who are determined by the agency to need this service.

(b) Be in accord with the recommended standards of related national standard setting organizations such as the National Council for Homemaker Service.

§ 222.47 Special services for the blind.

By April 1, 1974, State plans must provide for special services for the blind.

§ 222.50 Community planning.

(a) There must be provision for community planning by the staff of the agency at the State and local levels, with authority and responsibility assigned to assure development and utilization of community services and resources to meet the needs of low-income groups.

Subpart C—Optional Provisions and Services

§ 222.55 Coverage of optional groups for services.

(a) The agency may elect to provide services to all or to reasonably classified subgroups of the following:

(1) Aged, blind, or disabled persons who are former applicants for or recipients of financial assistance who request services or on whose behalf services are requested. See § 222.86(b) for Federal financial participation.

(2) Aged, blind, or disabled persons who request services, or on whose behalf services are requested, and who are likely to become applicants for or recipients of financial assistance, i.e., those who:

(i) Are not money payment recipients but are eligible for medical assistance under the State's Title XIX plan.

(ii) Are likely, within 5 years, to become recipients of financial assistance.

(iii) Are at or near dependency level, including those in low income neighborhoods and among other groups that might be expected to include more aged, blind, or disabled assistance cases than other low-income groups, where the services are provided on a group basis.

(b) All aged, blind, or disabled persons in the above groups or a selected reasonable classification of such persons with common problems or common service needs may be included.

§ 222.56 Range of optional services.

A State may elect to include in its State plan under title I, X, XIV, or XVI of the Social Security Act provision for optional services as provided for in §§ 222.57—222.61 in the costs of which 75 percent Federal financial participation is available, provided that the State plan also meets all of the requirements contained in Subparts A and B of this part.

§ 222.57 Services to individuals to improve their living arrangements and enhance activities of daily living.

Services may include any or all of the following individual service items: Housing improvement and assistance services; services to adults in foster care; day care; chore services; home delivered meals; companionship services; education services related to consumer protection and money management; and homemaker services.

§ 222.58 Services to individuals and groups to improve opportunities for social and community participation.

Services may include any or all of the following individual service items: Assistance in obtaining recreational and educational services; opportunities to participate in volunteer and paid service roles with various community agencies and organizations; provision of social group services in agency or other settings, e.g., neighborhood centers, multipurpose senior centers.

§ 222.59 Services to individuals to meet special needs.

Services may include any or all of the following individual service items: Legal services for persons desiring the help of lawyers with their legal problems (see separate policies governing the provision of such services); family planning; services for such groups as alcoholics, drug addicts, and mentally retarded individuals; special services to the blind, deaf, and other disabled individuals.

§ 222.60 Other services.

A State may submit other optional services for consideration and approval by the Department of Health, Education, and Welfare.

§ 222.61 Consultant services.

A State may use those services which consist of advice and consultation provided by persons who are expert in such matters as medical (including psychiatric), social, legal, educational, psychological, nutritional, and employment problems of individuals, for the purposes of assisting agency staff, as necessary, in diagnosing and developing service plans to meet individual applicant or recipient needs and in the development and evaluation of agency service programs.

Subpart D—Definitions

§ 222.65 Chore services.

Chore services means services in performing light work, or household tasks, which eligible persons are unable to do for themselves because of frailty or other conditions and which do not require the services of a trained homemaker or other specialist. Chore services may include such activities as: Help in shopping, lawn care, simple household repairs, running errands, etc.

§ 222.66 Community planning.

Community planning means activities of the staff of the agency, at the State and local levels, in providing leadership in the planning, development, extension, and improvement of the broad range of services, facilities, and opportunities required to prevent dependency for low income adults and to meet the current and anticipated service needs of all aged, blind, or disabled applicants and recipients. Staff activities include work with other agencies, organizations and interested citizens' groups, including State and local commissions on aging and the blind, in stimulating community support and action on behalf of all the aged, blind, or disabled so that in developing and extending community services to the total group, applicants and recipients will also benefit.

§ 222.68 Day care services.

Day care services means services provided during the day to eligible persons in a protective setting approved by the State agency for purposes of personal care and to promote their social, health, and emotional well-being through opportunities for companionship, self-education and other satisfying leisure time activities.

§ 222.69 Education services related to consumer protection and money management.

Education services related to consumer protection and money management mean services that help eligible persons learn how to manage household budgets effectively and to use sound consumer practices.

§ 222.70 Home delivered meals.

Home delivered meals means service which consists of preparing and delivering one or more hot meals daily to the homes of eligible persons who are unable to obtain or prepare nourishing meals.

§ 222.71 Homemaker services.

Homemaker services means home management and maintenance services, and personal care services, provided to maintain, strengthen and safeguard the functioning of eligible persons in their own homes where no responsible person is available for this purpose.

§ 222.72 Housing improvement and assistance services.

Housing improvement and assistance services means services, in cooperation with the applicant or recipient, landlord, and others to assist in the upgrading of substandard rental housing in which the applicant or recipient resides; to obtain repairs to his own home if substandard or unsuitable; or to find other housing in the community suitable and adequate to his needs at prices which he can afford to pay; and to help to increase the supply and availability of safe and suitable housing for applicants or recipients who have housing problems through cooperative community planning activities with appropriate individuals and groups in the community.

§ 222.73 Protective services.

Protective services means a system of services (including medical and legal services which are incidental to the service plan) which are utilized to assist seriously impaired eligible individuals who, because of mental or physical dysfunction, are unable to manage their own resources, carry out the activities of daily living, or protect themselves from neglect or hazardous situations without assistance from others and have no one available who is willing and able to assist them responsibly.

§ 222.74 Services to adults in foster care.

Services to adults in foster care mean services to eligible persons to assure placement in settings approved by the appropriate State and/or local authority and suitable to the needs of each individual; assure that the person receives proper care in such placement; and to determine continued appropriateness of and need for placement through periodic reviews, at least annually.

§ 222.75 Services to meet health needs.

Services to meet health needs mean services provided for the purpose of assisting eligible persons to attain and retain as favorable a condition of health as possible by helping them to identify and understand their health needs and to secure and utilize necessary medical treatment as well as preventive and health maintenance services including services in medical emergencies.

§ 222.76 Social group services.

Social group services mean use of group methods to provide eligible persons with opportunities for group experiences. Such experiences can help individuals to cope with personal problems, develop capacities for more adequate social and personal functioning, relieve social isolation, develop friendships and mutual aid, and increase understanding between the group and the agency.

§ 222.77 Special services for the blind.

Special services for the blind means services related to age, presence of other disabilities and amount of residual vision. Such services may include assistance in securing mobility training, personal care, home management and communication skills; also arrangements for talking book machines and obtaining special aids and appliances to solve or reduce problems arising from blindness as well as help in securing safety items, particularly those necessary to assure safe housing and prevent accidents. Arrangements for educational counseling to assure appropriate classroom placement and when timely, guidance from a school and/or rehabilitation program to prepare for a vocation are essential for the young blind to reach their full potential. Additionally, services may include referral of parents of blind children to agencies with special counseling competence in this field.

Subpart E—Federal Financial Participation

§ 222.85 General.

Federal financial participation is available in expenditures as found necessary by the Secretary:

(a) For the proper and efficient administration of the plan,

(b) For the costs of providing the services for the groups of aged, blind, or disabled,

(c) For carrying out the activities described in Subparts A, B, and C of this part that are included in the approved State plan. Such participation will be at the rates prescribed in this subpart.

§ 222.86 Persons eligible for services.

Federal financial participation is available under this subpart only for services provided to:

(a) An aged, blind, or disabled person applying for or receiving assistance under the plan.

(b) The groups defined in § 222.55: Former and potential applicants or recipients who request services or on whose behalf services are requested, and other individuals requesting information and referral service only. In respect to any aged, blind, or disabled person who has formerly been an applicant for or recipient of assistance, counseling and casework services may be provided. Other

services may be provided only to those aged, blind, or disabled persons who have received assistance within the previous 2 years or who qualify under the definition of potential applicants or recipients (see § 222.55(a)(2)).

§ 222.87 Sources for furnishing services.

Federal financial participation is available for services furnished:

(a) By State or local agency staff, i.e., full- or part-time employed staff; and volunteers, or

(b) By purchase, contract, or other cooperative arrangements with public or private agencies or individuals, provided that such services are not available without cost from such sources.

§ 222.88 Provisions governing costs of certain services.

(a) *Medical and assistance costs.* Federal financial participation will not be available under this subpart in expenditures for subsistence and other assistance items or for medical or remedial care or services, except:

(1) For subsistence and medical care when they are provided as essential components of a comprehensive service program of a facility and their costs are not separately identifiable, such as, in a rehabilitation center, day care facility, or neighborhood service center;

(2) For medical and remedial care and services as part of family planning services;

(3) For medical diagnosis and consultation when necessary to carry out service responsibilities, e.g., for recipients under consideration for referral to training and employment programs.

(b) *Vocational rehabilitation services.* Federal financial participation is not available in the costs of providing vocational rehabilitation services for handicapped individuals as defined in the Vocational Rehabilitation Act except pursuant to an agreement with the State agency administering the rehabilitation program. This applies to provision of services by staff of the agency and purchase.

(c) *Services related to adult foster care.* Federal financial participation is available in the costs of staff in providing services related to adult foster care, i.e., recruitment, study, and approval of foster family homes (except staff primarily engaged in the issuances of licenses or in the enforcement of standards); services to adults in foster care, and work with foster families and staff of institutions caring for adults, such as homes for the aged. Payments for the foster care itself are assistance payments and are, therefore, not subject to the service rate of Federal financial participation.

(d) *Services provided in behalf of aged, blind, or disabled persons.* Federal financial participation is available for services provided in behalf of aged, blind, or disabled persons, e.g., community planning; assuring accessibility to resources to which the person is entitled; and studies of service needs and results.

§ 222.89 Kinds of expenses for which Federal financial participation is available.

(a) Salary and travel costs of service workers (including travel and expenses of volunteers) and their supervisors giving full-time to services and for staff entirely engaged (either at State or local level) in developing, planning, and evaluating services.

(b) Salary costs of service-related staff such as, supervisors, clerks, secretaries, and stenographers, which represent that portion of the time spent in supporting full-time service staff.

(c) Related expenses of staff performing service or service-related work under paragraphs (a) and (b) of this section in proportion to their time spent on services, such as communication, equipment, supplies, and office space.

(d) Definitions: Applicable to staff performing service functions.

(1) *Full-time service work.* (i) Persons performing full-time on functions related to the provision of services means persons assigned exclusively to such functions and does not relate to the number of hours of employment. Services to families and children may also be carried.

(ii) It is not necessary to maintain daily time records for this purpose but it is expected that States will check periodically to assure that persons assigned on a full-time basis are performing substantially on this basis.

(iii) A full-time worker can be expected to receive questions from recipients (and former and potential) related to eligibility and the amount of payment or medical benefits and to make this information available to staff responsible for eligibility and related functions. Such workers may not carry the responsibility for securing information or taking the actions in respect to determining initial and continuing eligibility for financial or medical assistance or to change the amount of financial assistance being provided.

(2) *Meaning and illustrations of service work.* Service work means activity of staff in providing the services and carrying out the related responsibilities specified in Subparts A, B, and C of this part. This includes activities of such staff as caseworkers, homemakers, and community planning staff.

(3) *Meaning and illustrations of service-related work.* Service-related work means activity of staff other than service workers which is necessary to administer a service program fully. This includes secretaries, stenographers, and clerks serving service staff; supervisors of service workers and their supervisors, staff responsible for developing and evaluating service policies, and staff collecting and summarizing financial and statistical data on services either at State or local level.

(4) *Staff.* Staff individually or in groups performing service or service-related work includes professional, subprofessional (e.g., recipients and other workers of low income), and volunteer staff.

(e) Other expenses related to the provision of service in support of full-time service staff, including a portion of the salary costs of any agency person (except the service worker who must be on a full-time basis) who is working part-time on service functions (either at the State or local agency level). Such expenses include the portion of salary costs of supervisors related to supervision of service work, a portion of fiscal costs related to services, a portion of research costs related to services, a portion of salary costs of field staff, etc.

(f) Costs of services purchased when purchased in accordance with applicable policies (see Part 226 of this chapter).

(g) Travel and related costs for eligible aged, blind, or disabled persons to community facilities and resources.

(h) Costs of State and local advisory committees, including expenses of attending meetings, supportive staff and other technical assistance. (See § 222.2(a)(3) and (4)).

(i) Costs of administrative and supervisory staff attending public or voluntary agency meetings pertinent to the development or implementation of Federal or State service policies and programs.

(j) Costs of operation of agency facilities used solely for the provision of services. Costs may include expenditures for staff; space, including minor renovating, heat, utilities, and cleaning furnishings; program supplies, equipment and materials; food and food preparation; and liability and other insurance protection. Costs of construction and major renovations are not matchable as services. Appropriate distribution of costs is necessary when other agencies use such facilities for the provision of their services, such as in comprehensive neighborhood service centers.

(k) Costs of consultant services (see § 222.61).

(l) Costs of providing home-delivered meals, but not including the raw food cost involved.

(m) Costs incurred on behalf of an eligible person for guardianship or commitment (e.g., expenditures for court costs, attorney's fees and guardianship, and other costs attendant upon securing protective services).

(n) Costs of establishing and operating a continuing program of public information specifically designed to help assure that the services of the agency are known to all recipients, and to potential applicants and recipients (if covered by the State plan) who may need them.

(o) Costs of public liability and other insurance protection necessary for the proper and efficient administration of the service program.

(p) Costs of chore services but excluding any items included in the individual's money grant.

§ 222.90 Rates of Federal financial participation.

(a) Federal financial participation at the rate of 75 percent (see also paragraph (c) of this section) is available for the service costs identified in §§ 222.88 and 222.89, and training and staff development, provided that the State plan meets

all of the requirements of Subparts A and B of this part.

(b) The total costs of salaries and travel of workers carrying responsibility for both services and eligibility functions and supervisory costs related to such workers, and all or part of the salaries of supporting secretarial, stenographic, or clerical staff depending on whether they work full-time or part-time for the workers specified in this paragraph (b), are subject to the 50 percent rate of Federal financial participation.

(c) Federal financial participation at the 50-percent rate is available in the costs of the following activities that are separate from but relevant to the costs of services:

(1) Salaries and travel of staff primarily engaged in determining eligibility and their supervisors and supporting staff (clerks, secretaries, stenographers, etc.).

(2) Salaries and travel of staff primarily engaged in developing eligibility provisions and the determination processes (either at the State or local agency level).

(3) Expenses related to such staff, and for staff specified in paragraph (b) of this section, such as for communication, equipment, supplies and office space.

(4) Other expenses of administration of services not specified at the 75-percent rate.

§ 222.91 Donated private funds.

(a) Donated private funds for services may be considered as State funds in claiming Federal reimbursement where such funds are:

(1) Transferred to the State or local agency and under its administrative control; and

(2) Donated on an unrestricted basis (except that funds donated to support a particular kind of activity, e.g., homemaker services, or to support a particular kind of activity in a named community, are acceptable provided the donating organization is not the sponsor or operator of the activity being funded).

(b) Donated private funds for services may not be considered as State funds in claiming Federal reimbursement where such funds are:

(1) Contributed funds which revert to the donor's facility or use.

(2) Donated funds which are earmarked for a particular individual or for members of a particular organization.

Effective date. The regulations in this part shall be effective April 1, 1971, or earlier at the option of the State, but not before the latest of the following:

1. October 1, 1970;

2. The beginning of the quarter in which an approvable State plan was submitted;

3. The date on which the State plan provisions for adult services went into operation.

Dated: November 13, 1970.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: November 17, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 70-15809; Filed, Nov. 25, 1970; 8:45 a.m.]

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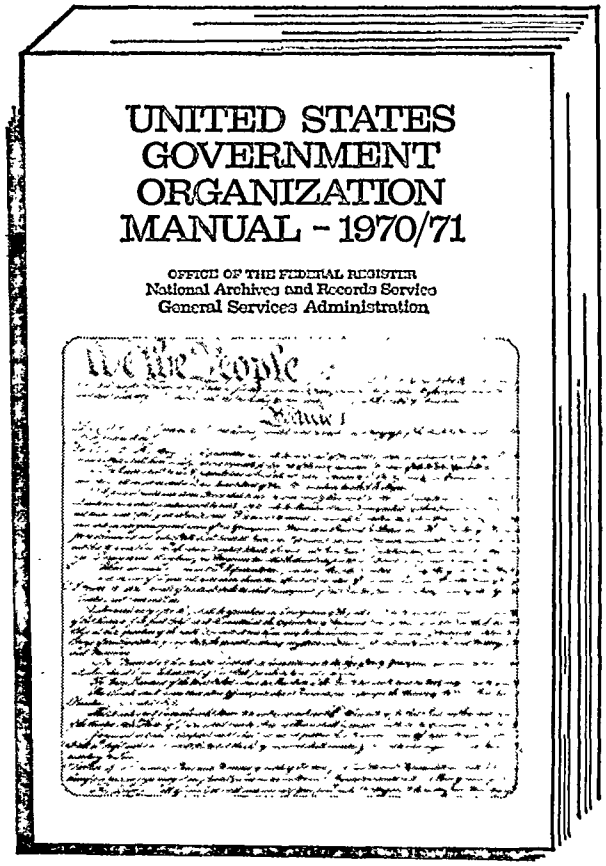

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